

Erin Appert

From: Mary Fisher
Sent: Thursday, December 24, 2020 12:53 PM
To: Erin Appert
Subject: FW: Contact Message

From: website@flathead.mt.gov <website@flathead.mt.gov>
Sent: Thursday, December 24, 2020 12:11 PM
To: PZ Contact US <pzcontactus@flathead.mt.gov>
Subject: Contact Message

Contact Inquiry

The information below is being sent from your website.

Name:	Kay Lynn Lee
Email:	kaylynnlee04@yahoo.com
Subject:	Baker 80 Subdivision
Message:	<p>I am a recreational user (hunting, hiking, biking) of the State Trust Lands (STL) adjacent to the proposed Baker 80 Subdivision. Given Whitefish Hills Village residents' comments/objections to the subdivision based on use of their private road seems to have resulted in the developer removing anysuch proposed access from its application, it appears the sole access will be via Prarie View Road and maybe a spur from Bowdish (Lane?--not sure of the actual name of that tiny, rutted track). Although DNRC and Fish, Wildlife and Parks did not indicate such, I believe the impact on recreational use will be significantly increased meaning deer, bald eagles and the rare and maybe declining (at least in MT) Calyspo bulbosa (a tiny fairy slipper flower). Adding 16 X 2+ people along with their animals and vehicles may not seem so bad, but the the STL is small; that many additional users/traffic will do a number on this area. Therefore, I would object to this density of development.</p>

Erin Appert

From: Mary Fisher
Sent: Monday, December 28, 2020 7:28 AM
To: Erin Appert
Subject: FW: Planning Board Jan 13, 2021 mtg -public comments

-----Original Message-----

From: M Davis <blems@aol.com>
Sent: Sunday, December 27, 2020 10:49 AM
To: Mary Fisher <mFisher@flathead.mt.gov>
Subject: Planning Board Jan 13, 2021 mtg -public comments

FPP-20-09. Baker 80

1. The proposed incremental building of Baker Heights Dr with temporary cul de sacs does not facilitate public safety or emergency access off of Prairie View if it is a dead end road.
 2. It has been reported that Flathead County has not secured full right of way easements on KM Ranch Road from the Dept of State Lands. Further development utilizing KM Ranch Road should be withheld until the County acts to purchase the appropriate right of way from the State of Montana.
- Margaret Davis, PO Box 788, Lakeside MT 59922

Update 10/8/2020:

Primary access to the subdivision was initially proposed to be from Whitefish Village Drive to the proposed internal subdivision road, Baker Heights Drive. Whitefish Village Drive is a privately maintained road which serves lots in the Whitefish Village Hills Subdivision. The road certification on the various phases of the Whitefish Village Hills plats states in part, "Whitefish Village Drive is intended to be private in all respects." Upon extensive legal review, it appears Whitefish Village Drive is not available to provide access to the proposed lots of the Baker 80 Subdivision. Primary and sole access to the proposed subdivision will be provided by Prairie View Road to the proposed internal subdivision road. Primary access to the proposed subdivision must be from Prairie View Road via KM Ranch Road. KM Ranch road is a paved, County-maintained road within a 60- foot wide right-of-way. Since Prairie View Road is an unpaved road, offsite improvements would be required per Section 4.7.17(g) FCSR in accordance with the standard improvement formula described in Section 4.7.17(h)(i)(ii). Based on the number of lots along this portion of Prairie View Road, the existing traffic count is approximately 70 ADT, thus 69.6% of this stretch of Prairie View Road would need to be paved. Staff calculated the offsite roadway improvement requirements from KM Ranch Road to the southern termination point of Baker Heights Drive, a distance of approximately 3,515 feet. The applicants would be required to pave 2,446 feet of Prairie View Road. The interior subdivision road will be constructed to Flathead County Road and Bridge standards, and the application did include a draft road user's agreement, outlining maintenance provisions for roadways within the subdivision.

The Flathead County Road and Bridge Department indicated no comments regarding the proposal. The applicant will be required to provide approach permits from the Flathead County Road and Bridge Department for the approaches onto Prairie View Road, prior to final plat approval.

9

Finding #3 – The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless proof of legal access and a road maintenance mechanism for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village

Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road.

Updated Finding #3 – The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to improve, including paving, approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road.

https://flathead.mt.gov/planning_zoning/planningboard.php

Sent from my iPad

Erin Appert

From: Mary Fisher
Sent: Monday, November 30, 2020 8:02 AM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Sunday, November 29, 2020 2:57 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

As a homeowner in the Whitefish Hills Village development, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. The Flathead County Commissioners approved the original Baker 80 subdivision proposal with access from KM Ranch and Prairie View Road – not from Whitefish Village Drive.
2. The Whitefish Village development was approved by the County as a subdivision with a private road system, owned and maintained by the owners. Allowing the Baker 80 subdivision to use Whitefish Village Drive will decrease our property values and the quality of the neighborhood.
3. Baker 80 construction and worker vehicles using Whitefish Village Drive will accelerate deterioration of our roads and increase our costs. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
4. **Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.**

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road, as originally approved by the Flathead County Commissioners. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Tom Downing
Whitefish Hills Village Property Owner

Erin Appert

From: Mary Fisher
Sent: Monday, November 30, 2020 8:02 AM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

From: Tom D <cvillepa.td@gmail.com>
Sent: Sunday, November 29, 2020 3:07 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision



Flathead County Planning Board,

As a homeowner in the Whitefish Hills Village development, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. The Flathead County Commissioners approved the original Baker 80 subdivision proposal with access from KM Ranch and Prairie View Road – not from Whitefish Village Drive.
2. The Whitefish Village development was approved by the County as a subdivision with a private road system, owned and maintained by the owners. Allowing the Baker 80 subdivision to use Whitefish Village Drive will decrease our property values and the quality of the neighborhood.
3. Baker 80 construction and worker vehicles using Whitefish Village Drive will accelerate deterioration of our roads and increase our costs. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
4. **Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.**

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road, as originally approved by the Flathead County Commissioners. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,

Tom Downing

Whitefish Hills Village Property Owner

Erin Appert

From: Mary Fisher
Sent: Tuesday, December 1, 2020 10:45 AM
To: Erin Appert
Subject: FW: Baker 80

-----Original Message-----

From: jim reilly <4jimreilly@gmail.com>
Sent: Tuesday, December 1, 2020 10:44 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80

Dear Sirs:

I am encouraged by the recent developments regarding Baker 80. We are currently building in Whitefish Village. When we purchased the land last year we were very concerned about the length of time construction activity would be in the area. The chance of a new development (i.e. Baker 80) using our road was an unexpected and unwanted surprise. Please do not allow an expanded capacity for Whitefish Village.

Thank you.

Sincerely,

Jim & Mary Reilly
1445 Whitefish Village Drive
Whitefish, MT 59937

1006 Packer
Key West, FL 33040

Sent from my iPad

Erin Appert

From: Mary Fisher
Sent: Tuesday, December 1, 2020 11:15 AM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Tuesday, December 1, 2020 11:14 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

As a homeowner in the Whitefish Hills Village development, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. The Flathead County Commissioners **previously approved** the original Baker 80 subdivision proposal stating the main access will be from KM Ranch and Prairie View Road, **not** from Whitefish Village Drive.
2. The Whitefish Village development was approved by the County as a subdivision with a private road system, owned and maintained by the owners. Allowing the Baker 80 subdivision to use Whitefish Village Drive will decrease our property values and the quality of the neighborhood.
3. Baker 80 construction and worker vehicles using Whitefish Village Drive will accelerate deterioration of our roads and increase our costs. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
4. The developer of Baker 80 is responsible for all expenses incurred with his project. There is no reason for him to expect this burden be borne by those in our development.
5. **Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.**

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road, as originally approved by the Flathead County Commissioners. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Cindy Downing
Whitefish Hills Village Property Owner

Erin Appert

From: Mary Fisher
Sent: Wednesday, December 9, 2020 10:59 AM
To: Erin Appert
Subject: FW: Baker 80 proposition

From: Erica Heller <e.c.heller107@gmail.com>
Sent: Wednesday, December 9, 2020 10:56 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 proposition

Dear Flathead Planning Board,

As homeowners in Whitefish Hills Village, we strongly oppose the Baker 80 subdivision proposal that requests access via Whitefish village drive.

Is it our understanding that after extensive legal review by the Flathead County Attorney's office and the Planning Department that the Baker 80 Subdivision does not have the legal right to use Whitefish village drive.

We are concerned about the resulting heavy wear on Whitefish village drive from construction vehicles, trucks transporting heavy materials, and the lack of any contribution (responsibility) to maintain our road from the Baker 80 subdivision. They also have been granted access to use an alternate route that they could assume responsibility for. Whitefish village drive is a small private road and was never meant to be a major thoroughfare.

We truly appreciate all the time and energy you put into the responsible development of our community. Please consider our concerns as if they were your own.

Concerned residents of Whitefish village drive,
Erica Heller

Erin Appert

From: Mary Fisher
Sent: Wednesday, December 9, 2020 1:00 PM
To: Erin Appert
Subject: FW: Baker 80 proposition

From: Denver Maddux <denver.maddux@gmail.com>
Sent: Wednesday, December 9, 2020 11:39 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 proposition

Dear Flathead Planning Board,

As a homeowner in Whitefish Hills Village, I find myself in strong opposition to the Baker 80 subdivision proposal that seeks access via Whitefish Village Drive.

Is it my understanding that after extensive legal review by the Flathead County Attorney's office and the Planning Department that the Baker 80 Subdivision does not have the legal right to use Whitefish Village Drive and should therefore use any and all alternatives.

I am not only concerned about the resulting heavy wear, increased traffic, and unwelcome additional noise on Whitefish Village Drive from construction vehicles and/or trucks transporting heavy materials, but also the lack of any contribution OR responsibility to maintain our road from the Baker 80 subdivision. Contribution alone will not solve the issue, as simply paying for road use will not abate the issues surrounding increased use and noise, and the subsequent erosion of the private, peaceful Montana life we all pursue in our great state. They also have been granted access to use an alternate route that they could assume responsibility for. Whitefish Village Drive is a small, private road and was never meant to be a major thoroughfare.

Please consider our concerns as if they were your own road, passing by your home.

Concerned resident of Whitefish Village Drive,
Michael D Maddux

Erin Appert

From: Mary Fisher
Sent: Monday, December 7, 2020 7:36 AM
To: Erin Appert
Subject: FW: Subject : Baker 80 - Important For December 9 Meeting, Agenda Item FPP-20-09

From: MCHSI <cynthia.jordan@mchsi.com>
Sent: Sunday, December 6, 2020 10:46 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: Cindy Jordan <cynthia.jordan@mchsi.com>
Subject: Subject : Baker 80 - Important For December 9 Meeting, Agenda Item FPP-20-09

Planning and Zoning Decisionmakers:

We are owners in Whitefish Hills Village, with property located directly on Whitefish Village Drive. It has come to our attention that you are meeting again on Baker 80 on December 9th. We, unfortunately, cannot attend in person. But, we wish to share our thoughts and concerns.

It is our understanding that Baker 80 was reviewed and approved to access that subdivision from Prairie View Drive. However, this is being reviewed again. The concern is that the access location may be reversed/changed allowing access via Whitefish Village Drive.

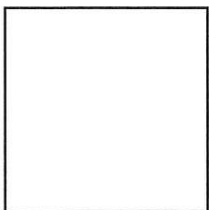
We accept the previously allowed access via Prairie View Drive, but strongly oppose allowing access through Whitefish Village Drive. Key reasons opposing this access are: Additional construction and personal traffic causing safety issues for children, adults and Whitefish Hills Village properties Plus additional wear & tear on our roads for which repairs are handled by our HOA.

It is our hope that you maintain the access through Prairie View Drive AND decline access through Whitefish Village Drive.

Thanks you for considering our input.

Bill & Cindy Jordan
1749 Whitefish Village Drive

Sent from [Mail](#) for Windows 10



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Erin Appert

From: Mary Fisher
Sent: Monday, December 7, 2020 7:37 AM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

From: Sherry Jones <sherryjones2007@gmail.com>
Sent: Sunday, December 6, 2020 2:37 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Dear Flathead Planning Board,

As homeowners in Whitefish Hills Village, please know that we still strongly oppose the Baker 80 Subdivisionion proposal that requests access through Whitefish Hills Village.

It is our understanding that after an extensive legal review by the Flathead County Attorney's office and the Planning Department, it was determined that the Baker 80 Subdivision did not have a legal right to use Whitefish Village Drive. The County Commissioners sent it back to you for yet another opportunity for public comment. It is hard to believe that the Planning Board would not heed the advice of the County Attorney's Office, but nonetheless we felt it imperative to once again state our position.

We have previously sent you correspondence outlining our concerns. And since, we do not feel it is safe to attend the public hearing on December 9th due to Covid-19, please do not consider our absence as an indication that we are not concerned about the Baker 80 Subdivision. We continue to be strongly opposed to the Baker 80 access through Whitefish Hills Village.

Respectfully Submitted,

Sherry Jones
Jim Rogers
1272 Whitefish Village Drive
Whitefish, MT 59937

Erin Appert

From: Mary Fisher
Sent: Monday, December 7, 2020 7:37 AM
To: Erin Appert
Subject: FW: Baker 80

From: Kim Crawford <kimcrawford9@gmail.com>
Sent: Sunday, December 6, 2020 10:25 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80

For the Planning Department Public Hearing,

I am writing this email to ensure that my opinion is heard regarding the Baker 80 subdivision and access from Whitefish Hills Village. My new house on Whitefish Village Dr. is within weeks of completion. It's a dream home I've built for myself with the understanding that it was on a private residential street. I was devastated to find out about the proposed access for the Baker 80 lots.

I am encouraged and sincerely hopeful that the legal work done on this issue has resolved it in our favor. I've read through the staff report, and this is my favorite part:

Update 10/8/20:

After extensive legal review of the proposed access via Whitefish Village Drive, it now appears this private road is not available to access the proposed lots of the Baker 80 Subdivision. The sole access to the proposed subdivision appears to be via Prairie View Road. Additionally, the legal review suggested the staff report be modified to reflect the fact that Whitefish Village Drive does not appear to be available to access the proposed subdivision. This staff report has been updated with new information in places labeled 'Update'.

I do not feel comfortable attending the December 9 public meeting with strangers due to COVID-19. Yet, I hope that my voice is heard by putting my thoughts in writing.

Thank you,

Kim Crawford

1628 Whitefish Village Dr.

Erin Appert

From: Mary Fisher
Sent: Wednesday, December 9, 2020 7:32 AM
To: Erin Appert
Subject: FW: Baker 80 - FPP 20-09 - Subdivision Access

From: Sean James <sean.james@live.com>
Sent: Tuesday, December 8, 2020 5:22 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: bellk4356@yahoo.com
Subject: Baker 80 - FPP 20-09 - Subdivision Access

Dear Members of the Flathead County Planning Board,

We are writing regarding the proposed Baker 80 subdivision to ask for your continued consideration of the property rights of the residents of Whitefish Village Hills subdivision. We were pleased to see updates in the staff report acknowledging that Whitefish Village Drive is a private road that was built and is maintained by Whitefish Village Hills. Our position, which aligns to the findings of your legal review, is that Whitefish Village Drive is not available to provide access to an unaffiliated subdivision.

In the upcoming hearing on December 9, 2020, we respectfully ask that you continue to honor our property rights in any decisions made regarding access to the Baker 80 subdivision.

Thank you for your consideration.

Best Regards,

Sean James and Kristin Bell

Whitefish Village Hills Property Owners

Erin Appert

From: Mary Fisher
Sent: Wednesday, December 9, 2020 4:38 PM
To: Erin Appert
Subject: FW: Baker 80 proposition

-----Original Message-----

From: Austin Reese <raustinreese@gmail.com>
Sent: Wednesday, December 9, 2020 4:31 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 proposition

Dear Flathead Planning Board,

I am a disabled Veteran who is building a home in Whitefish Hills Village and recently heard about the proposal of the Baker 80 subdivision. I wanted to write and ensure that my voice is heard and let you know that my family and I strongly oppose the possible access via Whitefish Village drive.

Having two young children and also using a wheelchair I feel that among other concerns the increased traffic would be a large safety issue for my family and myself. I am also concerned with the resulting heavy wear on Whitefish Village Drive from construction vehicles, any trucks transporting heavy construction materials as well as the lack of any responsibility to maintain our road from the homeowners of Baker 80 subdivision. Whitefish Village Drive is a small private road that was never meant to be a major route to any other subdivision.

As I understand an extensive legal review was conducted by the Flathead County Attorney's office and also the Planning Department and Baker 80 subdivision does not have the legal right to use Whitefish Village Drive. It appears that Baker 80 has been granted access to use an alternate route for which they could assume maintenance responsibility.

My family and I greatly appreciate the thoughtfulness, energy and time that has been put into the planning of our forever community as well as the responsible development of our community that the planning board has done. I ask that you take these concerns into consideration as if you yourself or your family lived in the Whitefish Hills Village community.

Sincerely,

Austin and Charity Reese

Richard De Jana & Associates PLLC

RICHARD DE JANA, Esq.

***120 4th Street West, Suite 6
Kalispell, Montana***

***Phone 406-752-4120
Fax 406-534-7578***

***Reply to
P. O. Box 1757
Kalispell, MT 59903
Email rdejana@montanasky.net***

December 2, 2020

To Mark Mussman and Erin Bren-Appert

RE: Baker 80

Dear Mark and Erin:

I had emailed Mark to day with a digital copy of the attached. Please find 10 copies of my factual submission to the board with this letter. Please make sure these get to the board. If there is any postage charge please advise by phone and I will bring up a check.

Sincerely,



Richard De Jana, Esq.



Richard De Jana, Esq.
Richard De Jana & Associates, PLLC
P.O. Box 1757
Kalispell, MT 59903-1757
406 752 4120
fax 406 534-7578
email: rdejana@montanasky.net

The Public Access Easement

Dear Planning Board Members;

The attached is a factual history of the events leading to the hearing on December 9, 2020. It discusses the primary events and documents. It includes all or portions of the documents referenced. What we are addressing is why when the County required and you approved the placing of public access easements on plats for the purpose of creating continuing roads and when an existing right of way was abandoned partially because an easement would be granted replacing it, how can the county attorney contend there is no such access.

Fundamentally you will see that we asked and have not been given a reason.

As you are aware, easements reflected on a plat are incorporated into all deeds. Here, the public access easement appears on the plats and is thus incorporated into every deed in the subdivision. "Generally, a public easement described in a deed will be upheld as long as the deed's language sufficiently locates the easement. *State by Mont. State Fish & Game Common v. Crinion*, 179 Mont. 481, 486, 587 P.2d 395, 399 (1978). *Pub. Lands Access Assen, Inc. v. Bd. of City. Comm'rs of Madison City.*, 373 Mont. 277, 321 P.3d 38 (2014). Access roads created through the plat approval process are legitimate. *Breakwater Development, LLC v. Nelson*, 2009 MT 317, ¶ 43, 352 Mont. 401, 219 P.3d 492.

Factually and legally the proposed change in conditions is not supported.

Sincerely,



Richard De Jana, Esq.



1. On or about December 29, 1905, the Flathead County Commissioners created the right-of-way and road for portions of what became known as Prairieview Drive and Brady Way rights of way. The road files for the two roads contain identical information and documentation.
2. The rights-of-way for what would be known as Prairieview Drive and Brady Way are located in sections 23 through 25 and 35 and 36 in Township 30 North, Range 22 West, PMM, Flathead County Montana although the actual road had not been completely built through the Northwest Quarter of section 25 and the Northeast Quarter of section 26 of the said Township section and Range. Prior to the abandonment of "Brady Way" as more particularly discussed below, Brady Way served as a public right-of-way for access to the Applicants' property, to that property immediately south of the Applicant's property and to that property immediately to the west owned by the State of Montana.
3. On April 14, 2011, Whitefish Hills Village, LLC made application for a preliminary plat of Whitefish Hills Village PUD and Subdivision.
4. The Flathead County Subdivision Regulations at the time of the review of Whitefish Hills Village PUD and Subdivision provided in part:

4.4.2 Phased Major Subdivision Plat Submittals

The subdivider, as part of the preliminary plat application, may propose to phase a proposed major subdivision over time. Phasing must be identified at preliminary plat application submittal. Phasing must be approved at the time of preliminary plat approval:

a. Each phase must be filed sequentially, according to the phasing plan, and be fully capable of functioning with all the required improvements in place in the event the future phases are not completed or completed at a much later time;

b. A phasing plan must be submitted and must include all of the following:

i. A plat delineating each phase and a general time frame for each phase;

ii. A public facilities improvement plan showing which improvements will be completed with each phase.

c. The Commission may require that parkland requirements, as part of the preliminary plat approval pursuant to Section 4.7.24, for the entire subdivision be met prior to approval of the first phase final subdivision plat. Parkland dedication for each phase shall not be deferred until a later phase;

d. The preliminary plat of a phased subdivision shall have the following time limits:

i. The first phase final subdivision plat must be approved and filed within three years of preliminary phased plat approval. On final plat approval of the first

phase, final plats for each successive phase must be filed within three years of the previous final plat approval. Failure to meet this time frame will cause the remainder of the preliminary plat to become void, and no additional final phased plats shall be accepted;

ii. A one year extension of preliminary plat approval for any phase may be requested by the subdivider;

iii. The subdivider shall include a revised time frame for all remaining phases with a request for any phased preliminary plat extension.

e. Modifications to an approved phasing plan which do not materially change the impacts on adjoining property may be approved or denied by the planning director. **Changes which materially change impacts to adjacent property owners shall be approved or denied by the Commission;**

f. If a major subdivision is part of an approved planned unit development which contains a specific phasing plan complete with timelines, **such phasing plan shall be binding, unless an amendment to the phasing plan is approved by the Commission.** [Bold and underlining added].

And

4.7.15 Access

Each subdivision shall have legal and physical access via a primary access road, and all subdivision lots shall have legal and physical access. Secondary emergency access roads shall not be used to provide the primary access to a subdivision or lot:

d. When a new subdivision adjoins un-subdivided land (lands or parcels not created by a filed subdivision plat) the subdivider may be required to provide rights-of-way or easements from proposed subdivision road easement to the adjacent un-subdivided property. Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata

share of road maintenance for the shared portion of the existing subdivision roads, and a latecomer's agreement, if applicable:

- i. ***This requirement may be waived** by the Commission when the road department finds that topography or other physical conditions would make it impractical to provide access to adjacent un-subdivided property;*
- ii. ***This requirement may be waived** by the Commission if the adjoining property does not require such access and is subject to a conservation easement, deed restriction or other legally restrictive covenant as confirmed by the County Attorney's Office.*

***e. Subdivision roads shall be designated as public access easements and shall be shown and described as such on the face of the final plat.** All subdivision roads shall be maintained by the property owners within the subdivision, unless accepted by the Commission for maintenance. The Commission accepts no responsibility for development or maintenance of roads unless accepted by the Commission for maintenance. To ensure a proper maintenance mechanism is in place, an approved Road Users' Agreement (See Appendix K – Road User's Agreement) or a Property Owners' Association as part of Conditions, Covenants and Restrictions (CC&R) shall be formed which shall require each property owner to bear their pro-rata share for road maintenance within the subdivision and for any integral access roads lying outside the subdivision. Individual lots accessing internal local roads within the subdivision are granted encroachment permits upon the filing of the final plat. The road users agreement shall include a provision for a resubdivision of an existing lot within the subdivision. The Road Users' Agreement shall be reviewed and approved by the Commission and recorded with the Clerk and Records Office as a separate document prior to or at the same time of final plat.*

- 5. On or about August 18, 2011, the Flathead County Board of County Commissioners made findings of fact and applied conditions to the approval of the preliminary plat for Whitefish Hills Village PUD and Subdivision. This was based upon a planning board report, an original staff report, attached and incorporated herein as Exhibit 1. The findings and conditions are attached hereto as Exhibit 2.
- 6. The Staff Report, Exhibit 1, provided in part:

WHV Subdivision Report (pg. 13) - Peter Steele, Deputy County Attorney stated that the abandonment of County road easement for Brady Way would be acceptable, but the new road alignment (Whitefish Village Drive and Prairie View Road) should remain designated for public use, at minimum to the spur easement leading to the DNRC School Trust Land south [which also abuts the Applicant's property]. Mr. Steele also stated that ALL internal subdivision roads should be shown as public access easements as required per the subdivision regulations.

WHV Subdivision Report (pg. 27-28) - The report states that the developer is proposing the abandonment of the current road and utility easement for Brady Way in order to realign the right-of-way in a manner that better suits the proposed development, as well as the natural environment onsite. Verbal comment received from Steve Lorch at the DNRC (June 28th, 2011) indicated it was desirable that the realignment of Brady Way continue to provide public access to the DNRC School Trust Lands located south of the proposed development, to ensure connectivity should future development of those lands occur. Verbal comment provided by the County Attorney (June 23rd, 2011) also indicated the realignment of Brady Way should continue to be dedicated as a public road and utility easement to ensure continued access to both the neighboring property owners to the west as well as the adjacent trust land to the south. He also noted that all internal subdivision roads proposed as part of the Whitefish Hills Village development should be designated public access easements and shown as such on the face of the final plat, pursuant to Section 4.7.15(e) of the subdivision regulations. [Underlining added].

7. As noted in Exhibit 2, the preliminary plat anticipated a realignment of Brady Way and the Brady Way right of way to be accomplished through an abandonment of the right-of-way through Phases 4 and 5 of Whitefish Hills Village PUD and Subdivision and the construction of a roadway which would provide access pursuant to the requirements of the subdivision regulations to the property South of the development including those now owned by the Applicant. The conditions of approval provided in part:

Standard Conditions:

5. All internal subdivision roads shall be designed and constructed in accordance with the Flathead County Road and Bridge Department's "Minimum Standards for Design and Construction"; construction plans and "As-Built" drawings for all roads shall be designed and certified by a licensed engineer and provided to the Road and Bridge Department prior to final plat application. [Section 4.7.16, FCSR]

And

Site Specific Conditions:

Condition #24 - *The existing County road easement for Brady Way shall be abandoned along the boundary between Tract 4 in Section 25 and Tract 4 in Section 26 and realigned as shown on the preliminary plat and proposed by the applicant. Brady Way shall be required constructed to County Road and Bridge standards and paved in accordance with the subdivision regulations, from the intersection of Brady Way and Stelle Lane south to the boundary between Section 23 and Section 25, Township 30 North, Range 22 West, as proposed by the applicant. All subdivision roads, including the realignment of Brady Way, shall be designated public access easements as required by the Flathead County Subdivision Regulations. [Section 4.7.15(e) FCSR].*

8. Pursuant to the then existing regulations [Section 4.4.2 f], Whitefish Village, LLC, filed its phasing plan with Flathead County, a copy of which is attached as Exhibit 3. That plan included the following language with respect to the completion of Phase 4: “The right-of-way from Whitefish Village Drive to the southern property boundary shall be dedicated as a public ROW but not constructed.” That plan was binding on the developer.
9. Phases 1, 2 and 3 were approved as final plats. Copies of those plats are attached as Exhibit 4 (Which also includes the final plates of Phases 4 and 5). Each plat contained on its face the following: “Conditions of Approval Per Flathead County Commissioners: . . . all subdivision roads are designated **public access easements** (Section 4.7.15(e) FCSR).”
10. On August 14, 2019, the Flathead County Planning and Zoning confirmed that the “right of way from Whitefish Village Drive to the southern property boundary shall be dedicated as a public ROW but not constructed.” See: Exhibit 5.
11. On September 5, 2019, at the behest of Whitefish Village, LLC, a petition to abandon Brady Way and the unbuilt right of way to the south was filed with Flathead County. The petition is attached as Exhibit 6. At point 4 the application noted that the right of way reached public land but “*Whitefish Village Drive, Road, which is a public road, provides substantially the same access to that public land or water, because: as approved by the pre plat of Whitefish Hills Village, a new road has been built to*

access previously non-accessible land to the South. The road has been re-located & dedicated on PH 4 WFH Village.” The land to the south included Applicant’s predecessor in interest, land in Section 35 and 36 south of the Applicant, and the State of Montana, none of which signed the petition or signed any consent to the loss of the right of way.

12. Also, on September 5, 2019, Whitefish Village LLC, filed a final plat application of for Phase 4 of Whitefish Hills Village. This was accompanied with a letter from Sands Surveying, Inc., purportedly reviewing the compliance with the conditions of approval. Both are attached as Exhibit 7. The compliance letter did not mention the dedication called for in the phasing plan. See: Paragraph 7, above
13. The office of the Flathead County Attorney filed an “Attorney Report” on the abandonment, which is dated September 30, 2019, and signed by **Caitlin Overland, Deputy County Attorney, Exhibit 8.** That report stated in part:

The developer, as part of the final plat for Whitefish Hills Village Phase 4, will construct a spur road at the south end of the section to connect Prairie View Lane to Whitefish Village Drive. This will provide access to the subdivision from the south.

Sec. 7-14-2602, M.C.A. provides the general content requirements of any petition to establish, alter, or abandon a county road. The petitioners have met the general conditions required for a road abandonment petition.

Pursuant to § 7-14-2615, M.C.A., the board may not abandon a county right-of-way if it provides access to public land or waters. Moreover, the board may not abandon the right-of-way if it is used to access private land unless all the landowners agree to the abandonment. Neither of these criteria apply because the ROW does not provide access to public land and the private landowners whose land borders the ROW support the petition for abandonment.

14. The right of way provided an unbuilt access to the private land owned by the Applicant’s predecessor, the property owners to the south in Sections 35 and 36, and the State of Montana. Neither Applicant’s predecessor nor the southern properties’

owners consented to the abandonment of the right of way contrary to the statement of **Caitlin Overland**.

15. On September 16, 2019, the Flathead County Plat Room delivered a report to the County Commissioners regarding the road abandonment. That report is attached as Exhibit 9. The report discussed only those adjoining owners who adjoined the completed road and not the owner adjoining the right of way to the south, the state of Montana and the Applicants predecessor in interest.
16. On October 11, 2019, the Viewers' Report for the abandonment was filed by Commissioner Mitchell and Surveyor Dawn Marquardt. The Viewers' Report incorrectly stated that the "right of way" does not provide access to any public land and that all owners of property affected by the abandonment of the right of way had signed the petition. See: Exhibit 10.
17. Neither the Plat Room report nor the Viewers' Report discussed the Applicant's predecessor in interest, the owners of the properties in Sections 35 and 35, or the State of Montana, all of whom had access through the right of way even though the road on the right of way had not been built.
18. On November 4, 2019, a hearing was held before the Flathead County Board of County Commissioners on the abandonment of the "Brady Way ROW" [Exhibit 11, page 2]. At that hearing Deputy County Attorney Caitlin Overland stated all affected landowners have signed the petition, which was untrue. She stated there would be similar access provided with a newly constructed roadway. The roadway did not extend to the Applicant's or the State's properties even though the right of way did extend to those properties.
19. On November 4, 2019, the Flathead County Board of County Commissioners approved the final plat of phase 4 Whitefish Hills Village [Exhibit 11, pgs. 2 and 3] without the dedication of the right of way as promised in the phasing plan, but with

the notation on the plat: "Conditions of Approval Per Flathead County Commissioners: . . . all subdivision roads are designated **public access easements** (Section 4.7.15(e) FCSR)." A copy of that plat is included in Exhibit 5 along with a copy of the plat for Phase 5. These plats like the prior three phases contain on their faces the language: "Conditions of Approval Per Flathead County Commissioners: . . . all subdivision roads are designated **public access easements** (Section 4.7.15(e) FCSR)."

20. The Applicant had entered into an earnest money and purchase agreement to acquire the property owned by the Applicant as described in Paragraph 1, above, which was contingent upon the existence of the right of way replacing the Brady Way right of way.
21. Based upon and in reliance upon the above described actions and statements, the Applicant acquired its property as described in Paragraph 1, above.
22. Doug Peppmeier, as an agent of the Applicant, met with various Flathead County officials including Mark Mussman, County Planning Director, who advised Peppmeier that Prairie View Rd. is a public access easement which provides access to both public lands and Applicant's proposed subdivision. Mussman even specifically mentioned the conditions of approval that were required by the commissioners to be placed on the face of the Whitefish Hills Village, Ph. 4 final plat - specifically condition (e) which states "**All subdivision roads are designated public access easements**".
23. Based upon a review of the forgoing, the Applicant closed on its purchase and acquired the property described in Paragraph 1 on December 10, 2020.
24. The Applicant applied to create a 16 lot subdivision.

25. On July 15, 2020, Tara Depuy's attorney's opinion was shared by Caitlin Overland with the planning office who shared it with the Applicant's representative. That opinion included the following language: *"The language is clear the roads in Whitefish Hills Village are private roads. I see the language that they are designated "public access easements" but my interpretation is that this means the roads are open to the public to use, but still private roads."*

26. The planning staff in its original staff report for the Applicant's subdivision, Exhibit 12, included the following **"at page 7: "c. Roads**

"Primary access to the subdivision is proposed from Whitefish Village Drive via Prairie View Road. Whitefish Village Drive is a paved, privately-maintained road within a 60-foot wide right-of-way and Prairie View Road is a gravel, County-maintained road within a 60-foot wide right-of-way. A new internal subdivision road, shown as 'Baker Heights Drive' on the preliminary plat, is proposed off Prairie View Road to provide access to lots within the subdivision.

"The application includes a draft road user's agreement outlining maintenance provisions for roadways within the subdivision. However, Section 4.7.15(d) FCSR states, "Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads, and a latecomer's agreement, if applicable. The roads would be maintained in passable condition year round and each lot would be responsible for a pro-rata share of road maintenance costs. The applicant shall be required to submit a road user's agreement which includes maintenance provisions for Whitefish Village Drive prior to final plat approval. . .

"The internal subdivision road will be constructed to the Flathead County Road and Bridge standards. Since Whitefish Village Drive is a paved road, no offsite roadway improvements would be required. However, if the applicants cannot provide a road user's agreement for Whitefish Village Drive, primary access to the proposed subdivision would be from Prairie View Road via KM Ranch Road. KM Ranch road is a paved, County-maintained road within a 60-foot wide right-of-way. Since Prairie View Road is an unpaved local road, offsite improvements would be required per FCSR Section 4.7.17(e) in accordance with the standard improvement formula described in Section 4.7.17(i)(ii). Based on the number of lots along this portion of Prairie View Road, the existing traffic count is approximately 70 ADT, thus 69.6% of this stretch of Prairie View Road would need to be paved. Staff calculated the offsite roadway improvement requirements from KM Ranch Road to the southern termination point of Baker Heights Drive, a distance of approximately 3,515 feet. The applicants would be required to pave 2,446 feet of Prairie View Road if primary access via Whitefish Village Drive is not granted. . ."

The report at page 14 provides:

"3. The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless a road user's agreement for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road. [Conditions 5, 6, 20, 21]." **The report neglects the allowance of a CC&R controlling the same.**

27. That report provides proposed findings including:

"Finding #3 – The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless a road user's agreement for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road."

Again, there is no mention of the CC&R option included in the proposed conditions.

28. The Subdivision Regulations provide the following:

"Reg: 4.7.15 Access

d. When a new subdivision adjoins un-subdivided land (lands or parcels not created by a filed subdivision plat) the subdivider may be required to provide rights-of-way or easements from proposed subdivision road easement to the adjacent un-subdivided property. Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads, and a latecomer's agreement, if applicable. . .

"e. Subdivision roads shall be designated as public access easements and shall be shown and described as such on the face of the final plat. All subdivision roads shall be maintained by the property owners within the subdivision, unless accepted by the Commission for maintenance. The Commission accepts no responsibility for development or maintenance of roads unless accepted by the Commission for maintenance. To ensure a proper maintenance mechanism is in place, an approved Road Users' Agreement (See Appendix K - Road User's Agreement) or a Property Owners' Association as part of

Conditions, Covenants and Restrictions (CC&R) shall be formed which shall require each property owner to bear their pro-rata share for road maintenance within the subdivision and for any integral access roads lying outside the subdivision. Individual lots accessing internal local roads within the subdivision are granted encroachment permits upon the filing of the final plat. The road users agreement shall include a provision for a resubdivision of an existing lot within the subdivision. The Road Users' Agreement shall be reviewed and approved by the Commission and recorded with the Clerk and Records Office as a separate document prior to or at the same time of final plat." [Underlining added].

29. Based upon the aforesaid facts and regulations, the Applicant proposed the following changes:

Proposed to the conditions:

6. With the application for final plat, the developer shall provide a compliant Road User's Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision including for its public access under condition 21 of this approval. [Section 4.7.15(e), FCSR and FOF 3, 16] The covenants will include the following language: "Recognizing that Whitefish Hills Village contains 88 lots and Baker80 contains 16 lots, each lot in Baker80 as part of their annual assessment payable to the homeowners association shall pay 16/104ths of the cost of maintaining Whitefish Village Drive as determined by the financial disclosure of the previous years cost for such maintenance as provided by Whitefish Village Homeowners' Association's treasurer in a verified statement delivered on or before January 1 of each year.

21. Prior to final plat approval, the developer shall provide a compliant Road User's Agreement or CC&Rs document containing the language required by conditions 6, unless the applicant elects to improve 2,124 feet of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.15(e), FCSR and FOF 3]

30. The staff amended its report (Exhibit 13) to include the following addition:

"Comment received from the County Attorney's Office indicates the applicant is required to obtain an easement or written permission from Whitefish Hills Village to access Whitefish Village Drive because preliminary plat approval for Whitefish Hills Village did not include a specific condition requiring the subdivision to provide a right-of-way or easement to adjoining properties. The applicant shall be required to submit a road maintenance mechanism which includes maintenance provisions for Whitefish Village Drive prior to final plat approval." The report did not contain any evidently basis for this change of position.

“ Finding #3 – The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless proof of legal access and a road maintenance mechanism for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road.”

Revised proposed condition 21 to read : *“Prior to final plat approval, the developer shall provide a compliant Road User’s Agreement or CC&Rs document which requires each property owner to bear his or her pro-rata share for maintenance of Whitefish Village Drive and proof of legal access via Whitefish Village Drive, unless the applicant improves 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.15(e), FCSR and FOF 3].”* Again, there was no factual basis offered for this change in position.

31. The planning board adopted the proposed findings and conditions.

32. On September 28, 2020, the planning staff sent a letter to Applicants’ representative advising that without consultation with the Applicant or planning board, they were changing the recommendation to be given the commissioners at their October 8, 2020 meeting. To that as shown on Exhibit 14, which was based on a determination by the Flathead County Attorney that the Applicant was not entitled to use what had been referred to as a “public access easement.” This was done without any factual explanation.

33. On October 8, 2020, Deputy County Attorney **Caitlin Overland** advised the County Commissioners that the County Attorney’s office had determined the Applicant could not use the road which was to realign Brady Way as an access but failed to give either the legal or factual basis for the same. The Flathead County Commissioners pursuant to 76-3-615 MCA determined the change proposed by the staff was new information “that had not been submitted as evidence” and directed the Planning Board to

schedule a subsequent public hearing for only consideration of the new material and its impacts on findings and conclusions made by the planning board. See: Exhibit 15, pages 4 and 5.

34. Counsel for the Applicant after the meeting requested from the planning director and deputy county attorney the factual basis for the county attorney's determination and was advised that his client was not entitled to know that.

35. That hearing was then set by the planning board and planning staff for December 9, 2020, in spite of the mandates of 76-3-615 (4) MCA.

Dated this December 2, 2020

/s/ 
Richard DeJana, Esq.
Attorney for the Applicant

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT (#FPP-11-01)
PLANNED UNIT DEVELOPMENT REPORT (#FPPUD-11-01)
WHITEFISH HILLS VILLAGE
JUNE 29, 2011**

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for a planned unit development (PUD) overlay on 437.86 acres of land and preliminary plat approval of Whitefish Hills Village, a major subdivision that would create 88 single family residential lots on 257.13 of those acres. The proposed subdivision and planned unit development are located between the cities of Kalispell and Whitefish, south of Stelle Lane and west of US Highway 93 North in the Blanchard Lake/Highway 93 North zoning district.

The Flathead County Planning Board will conduct a public hearing on the proposed subdivision and planned unit development on July 13th, 2011 beginning at 6:00 PM in the 2nd Floor Conference Room, 1035 1st Ave West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. Final action on this proposal by the governing body must be taken prior to September 27th, 2011, in accordance with the 80 day review period identified in Section 4.1.4(a)(iv) of the Flathead County Subdivision Regulations (effective April 1, 2011). All documents pertaining to the subdivision and planned unit development are available for public inspection at the Flathead County Planning and Zoning Office in the Earl Bennett Building located at 1035 First Avenue West, in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee

The proposed subdivision and planned unit development is not located within the advisory jurisdiction of a specific local land use advisory committee.

B. Planning Board

The Flathead County Planning Board held a public hearing on July 13th, 2011 to review the planned unit development and proposed major subdivision request. Board members present included Jeff Larsen, Bob Keenan, Gene Shellerud, Gordon Cross, and Jim Heim.

Staff presented the report(s), summarizing agency and public comment received to date and identifying pertinent review criteria, findings and conditions for both the planned unit development (PUD) and subdivision request. Following staff's presentation the technical representative for the applicant gave a brief presentation on the proposed subdivision and PUD, addressing the written and verbal comment received regarding the road maintenance agreement in place, the public water system and water quality onsite as well as anticipated impacts resulting from traffic. The representative stated neither he nor the applicant had any issues with the staff report or conditions proposed by staff for either the PUD or subdivision.

The Board then opened the hearing for public comment, during which time three individuals spoke regarding the PUD and subdivision proposed. One neighboring property owner asked for clarification on the location of the proposed development, in relation to her property. Another neighboring property owner voiced concern over the traffic increase anticipated along U.S. Highway 93, and asked the Board to consider impacts to existing infrastructure when making their decision on the request. A third property owner had questions for the developer regarding the public water system proposed, and whether it had additional capacity if neighboring

- MDT for approval of any proposed changes to the pavement marking.
- US Highway 93 is scheduled to be resurfaced later this year.
- Since Stelle Lane is an established County road, MDT will not need to issue a new approach permit.
- MDT is supportive of connecting roads to adjoining property, such as to the south and/or west, which would allow a future road network to connect to other public roads such as KM Ranch Road.
- **Peter Steele, Deputy County Attorney**
(verbal comment received June 23rd, 2011)
 - Abandonment of County road easement for Brady Way would be acceptable, but new road alignment should remain designated for public use, at minimum to the spur easement leading to the DNRC School Trust Land to the south.
 - All internal subdivision roads should be shown as public access easements as required under Section 4.7.15(e) of the subdivision regulations.
- **Steve Lorch, Community Planner, DNRC Northwestern Land Office**
(verbal comment received June 28th, 2011)
 - The developer is required to obtain approval from the DNRC prior to utilizing the spur easement to DNRC School Trust Lands as emergency ingress/egress to the development.
 - The DNRC would prefer the subdivision roads be maintained as public easements to ensure access to state trust land as well as promote future connectivity and emergency ingress/egress should lands to the south be developed.
- **Tom Schelling, Acting Fire Marshall, Whitefish Fire Department**
(verbal comment received June 29th, 2011)
 - Following up on agency comment, was sent to wrong P.O. Box and just received in today's mail.
 - Spoke to Doug Loy, Fire Marshall (retiring June 30th, 2011), who reviewed the subdivision initially.
 - Confirmed that the developer has incorporated elements discussed with the Whitefish Fire Department prior to submittal; the fire department is comfortable with what is being proposed.

B. Public Notice

In accordance with Section 4.0.14, adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision and PUD on June 22th, 2011. Legal notice of the public hearing on this application will be published in the June 26th, 2011 edition of the Daily Interlake. Notice of the public hearing was physically posted on the subject property by planning staff on June 22nd, 2011. As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Written public comment will be received until 5:00 PM on July 13th, and will be summarized verbally and entered into the public record during the Planning Board hearing that evening. It is anticipated anyone wishing to provide public comment will do so in person at the Planning Board hearing on July 13th.

4. Recreation

The proposed subdivision would create 88 new single family residential lots ranging from 1.8 acres to 7.8 acres in size. Section 4.7.24 of the Subdivision Regulations identifies parkland dedication for most subdivisions based upon applicable calculations found under Item (e). A land donation of 5% of the combined gross area of land proposed to be subdivided into lots between 1 and 3 acres in size, and 2.5% of the combined gross area of land proposed to be subdivided into lots between 3 and 5 acres in size is required. Lots over 5 acres in size are not included in the parkland requirement calculations. Of the 88 lots proposed, 54 lots have a lot area between 1 and 3 acres, for a combined total of 127.629 acres (gross). 25 lots have a lot area between 3 and 5 acres for a combined total of 91.774 acres (gross). Applying the percentage formulas identified above, a total of 8.68 acres of land would be necessary to meet the parkland dedication requirements of the Subdivision Regulations. The developer has proposed to set aside 151.149 acres in permanent open space as part of the proposed subdivision and planned unit development, to be maintained by the Homeowner's Association as opposed to being dedicated as parkland to the County. This acreage is roughly 17 times the amount of open space required through subdivision review. Sections 4.7.24(d)(i) and (ii) of the Flathead County Subdivision Regulations state the parkland dedication requirement (to the County) may be waived by the Commissioners if the proposed subdivision provides for a "planned unit development... with land permanently set aside for parkland sufficient to meet the needs of the residents of the development and equals or exceeds the area of the required parkland dedication pursuant to Subsection (d)" and is maintained by the homeowners association. This substantial amount of open space will be available for residents of the subdivision and planned unit development to recreate, and will be connected by a series of trails proposed throughout the entire development. In addition, a bike and pedestrian easement will be required along Stelle Lane in accordance with FCSR Section 4.7.19, to be located within proposed Open Space "A".

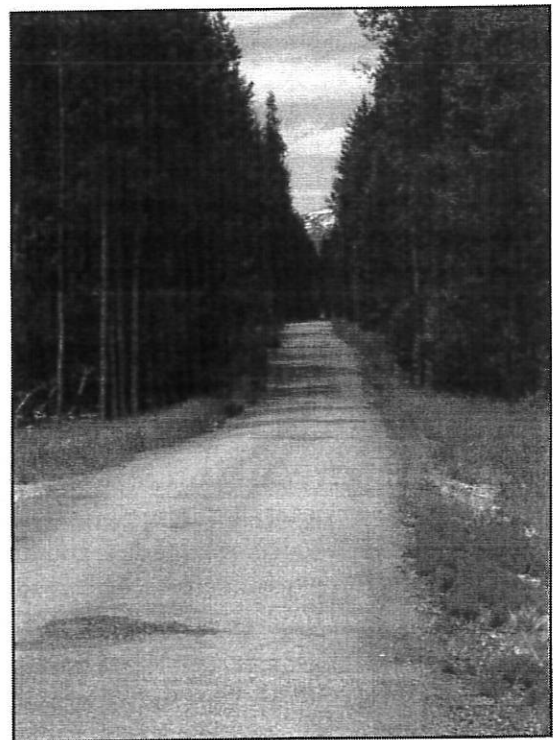
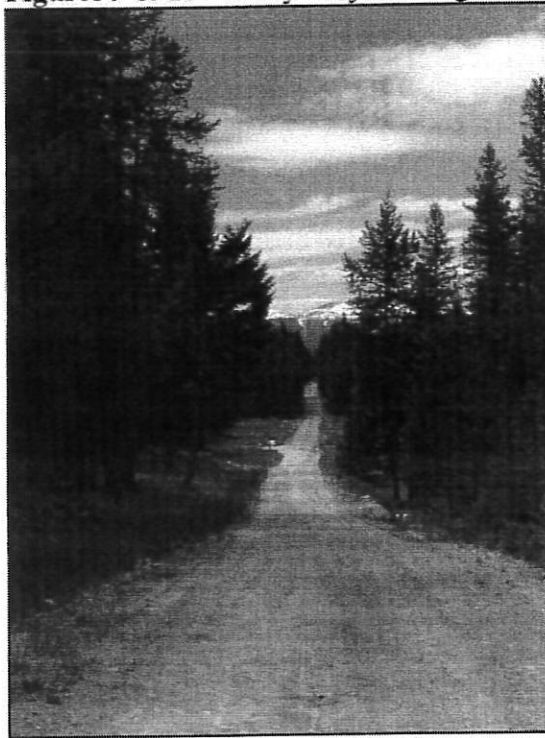
5. Transportation Network

Primary access to the proposed subdivision will be from Stelle Lane, a public County road that is privately maintained and has been constructed and paved to County Road and Bridge Department standards. The road was brought up to standard and paved as a result of a previous subdivision (Whitefish Hills Forest), and accesses directly onto US Highway 93 via an existing, approved approach. All lots within the subdivision will be accessed using a network of paved, internal subdivision roads, identified as Hills Lookout Court, Meadow View Court and Whitefish Village Drive transitioning to Brady Way, a dedicated County road. These internal subdivision roads would create a looped network, enabling circulation throughout the proposed development and resulting in two means of ingress/egress.

Currently, Brady Way sits within a 60 foot dedicated public road and utility easement and is gravel for its entire length, although the condition of the travel surface deteriorates significantly as one travels from the north end of the subject property to the south. After approximately half a mile, Brady Way transitions to Brady Way West, making a 90-degree turn west to serve the adjacent properties. However, the road easement alignment for Brady Way proper continues to the south, traversing the proposed subdivision along the section line between Tract 4 in Section 25 and Tract 4 in Section 26. This is problematic in that the current alignment of the public easement would split proposed lots 49 and 67, and may impact one of the smaller wetland areas (designated "Wetland #2) located in Open Space "A". The developer is therefore proposing the abandonment of the current road and utility easement for Brady Way in order to realign the right-of-way in a manner that better suits the proposed development, as well as the natural environment onsite. Verbal comment received

from Steve Lorch at the DNRC (June 28th, 2011) indicated it was desirable that the realignment of Brady Way continue to provide public access to the DNRC School Trust Lands located south of the proposed development, to ensure connectivity should future development of those lands occur. Verbal comment provided by the County Attorney (June 23rd, 2011) also indicated the realignment of Brady Way should continue to be dedicated as a public road and utility easement to ensure continued access to both the neighboring property owners to the west as well as the adjacent trust land to the south. He also noted that all internal subdivision roads proposed as part of the Whitefish Hills Village development should be designated public access easements and shown as such on the face of the final plat, pursuant to Section 4.7.15(e) of the subdivision regulations. Following realignment and as part of the subdivision approval, the full length of Brady Way will be constructed and paved to County Road and Bridge standards, from the intersection with Stelle Lane south.

Figures 9 & 10: Brady Way heading north.



As proposed, the subdivision will add an additional 880 vehicle trips per day to Stelle Lane and subsequently, US Highway 93 based upon standard trip generation formulas for a residential subdivision (10 trips per day per household). A Traffic Impact Study was completed in anticipation of this significant amount of traffic, and in accordance with Section 4.7.17(h) of the Flathead County Subdivision Regulations. The study found that overall, the proposed subdivision would have a minimal impact on the traffic conditions in the area, specifically along Stelle Lane and US Highway 93 North. This finding was based upon level of service assessments for the area. Currently, the intersection of Stelle Lane and US Highway 93 is operating at an LOS level 'B'; with the addition of the Whitefish Hills Village Development, this LOS level is anticipated to drop to a 'C'. The report states there are no specific mitigation measures necessary at this intersection to improve the LOS rating and accommodate the proposed development; however, a dedicated left turn lane onto Stelle Lane from US Highway 93 was suggested as an improvement, to accommodate present and future vehicle traffic both safely and effectively. Comment received from the Montana

OK CW 5/24/2019
Flathead County
Board of Commissioners
(406) 758-5503

James R. Dupont
Pamela J. Holmquist
Dale W. Lauman



00768 - Phase 4

August 18, 2011

Mr. B. J. Grieve, Director
Flathead County Planning & Zoning Office
1035 1st Avenue West
Kalispell, Montana 59901



201900028845
Page: 2 of 31
Fees: \$63.50
11/7/2019 2:32 PM

RE: Preliminary Plat for WHITEFISH HILLS VILLAGE PUD & SUBDIVISION

Dear Mr. Grieve:

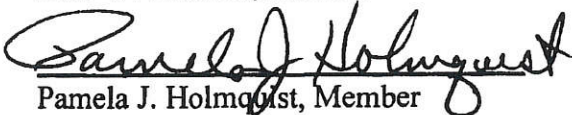
On this date, the Flathead County Board of Commissioners reviewed the Planned Unit Development and preliminary plat of Whitefish Hills Village. The Board of Commissioners has granted conditional approval to this request. A copy of the conditions, Exhibit A, is attached for your reference. This preliminary plat approval is in effect for three years and will expire on August 18, 2014.

Please be advised the applicant, if he so chooses, can appeal any of the conditions placed on this plat based on the Flathead County Subdivision Regulations, Section 7.6, as set forth in the attached Exhibit A-1.

Sincerely,
BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA


James R. Dupont, Chairman

Not Available for Signature
Dale W. Lauman, Member


Pamela J. Holmquist, Member

Attachment: Exhibit A, Exhibit A-1, Exhibit B

c: Whitefish Hills Village, LLC
c/o Don Murray
P. O. Box 1178
Kalispell, MT 59903-1178

Sands Surveying
2 Village Loop
Kalispell, MT 59901

County Weed & Parks Dept.

County Road Dept.

Whitefish Hills PH4



EXHIBIT A

Conditions, upon which preliminary plat approval has been granted to Whitefish Hills Village Planned Unit Development (PUD) and Subdivision, on this date of August 18, 2011, are as follows:

Conditions of PUD:

1. The Whitefish Hills Village Planned Unit Development has been reviewed and approved as a zoning overlay to the underlying "SAG-5 Suburban Agricultural" zoning designation, to allow a reduction in minimum lot size and the addition of one development unit to allow the creation of eighty-eight (88) single family residential lots. Any changes to the PUD plan as reviewed will be required to undergo review by the Flathead County Planning Office and Flathead County Planning Board, and receive approval from the Flathead County Board of Commissioners.
2. The Declaration of Covenants, Conditions, Restrictions and Reservations (CCRs) for Whitefish Hills Village PUD shall be modified as needed to reflect the standards outlined in the PUD preliminary plan evaluated above, or as required below. Specific modifications related to *Article IX - Reservation of Road, Trail and Utility Easements* should be made to accurately reflect the applicable requirements of the current subdivision regulations that will apply to the proposed subdivision reviewed as part of this development plan.
3. Permitted and conditional uses as well as bulk and dimensional requirements of the proposed Whitefish Hills Village SAG-5 PUD overlay should be clearly identified, incorporated and/or referenced within the CC&R documents to inform future landowners of the unique zoning classification applicable to their property as a result of this plan review (pursuant to Table 1 above).
4. The following statement shall be placed on the face of the final plan:

Excepting minimum lot size requirements, all other development standards (permitted and conditional uses, bulk and dimensional requirements) of the underlying "SAG-5 Suburban Agricultural" zoning designation shall apply to the development and use of property. ✓

5. As required by Section 3.31.030(6)(B), the following statement shall be placed on the face of the final plan:

I, _____, owner and developer of the property set forth above, do hereby agree that I will develop the above property as a Planned Unit Development in accordance to the submitted PUD Plan. ✓

Signature Property Owner/Developer



Conditions of PUD & Preliminary Plat/Whitefish Hills Village

Page 2

Approved this _____ day of _____, 20 __, by the Flathead County Board of Commissioners.

Attest: _____
Clerk & Recorder

6. One hundred fifty two (152) acres of the subject property shall be permanently set aside in open space onsite, as proposed by the applicant and as shown on the preliminary PUD plan. The open space shall be maintained by the Homeowner's Association in conformance with the applicable section(s) of the Draft Codes, Covenants, Restriction and Reservations reviewed herein. The open space shall be designated accordingly on the face of the final plan.
7. The applicant shall submit the PUD Final Plan application pursuant to Section 3.31.030(6) of the Flathead County Zoning Regulations, meeting all applicable requirements therein.
8. The final plan shall clearly identify and justify the proposed phasing of the subdivision development associated with the PUD, and shall provide a detailed schedule of the phased development, pursuant to Section 3.31.030(6) FCZR.
9. The Whitefish Hills Village PUD Final Plan shall receive approval from the Flathead County Board of Commissioners prior to submitting an application for final plat review of development Phase I of the proposed Whitefish Hills Village Subdivision.

Conditions of Preliminary Plat:

Standard Conditions:

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the final plat. Street addressing shall be approved by Flathead County. [Section 4.7.18(g)(iv), 4.7.28(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall show proof of a completed approach permit from the Flathead County Road Department indicating the approach for Whitefish Village Drive onto Stelle Lane has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
3. The applicant shall comply with all reasonable fire suppression and access requirements of the Whitefish Fire District. A letter from the fire chief stating the plat meets the applicable requirements of the district and verifying the implementation of the approved Fire Prevention, Control and Fuels Reduction Plan shall be submitted with the application for final plat. [Section 4.7.27(b)(iii), FCSR]

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Conditions of PUD & Preliminary Plat/Whitefish Hills Village

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4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.13(g) and 4.7.25, FCSR]
5. All internal subdivision roads shall be designed and constructed in accordance with the Flathead County Road and Bridge Department's "Minimum Standards for Design and Construction"; construction plans and "As-Built" drawings for all roads shall be designed and certified by a licensed engineer and provided to the Road and Bridge Department prior to final plat application. [Section 4.7.16, FCSR]
6. With the application for final plat, the applicant shall provide a mechanism for the long-term maintenance of the internal subdivision roads proposed, either by establishing an approved Road Users' Agreement or a Property Owner's Association as part of Conditions, Covenants and restrictions (CC&Rs), requiring each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. [Section 4.7.13, 4.7.20, 4.7.22 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local Postmaster of the U. S. Postal Service. A letter from the Postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. A bus stop shall be provided along Stelle Lane, the location and construction of which shall meet the requirements of the District as specified herein. The location of the bus stop shall be shown on the face of the final plat, and a letter from the district stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.29, FCSR]
10. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision and stipulating whether pickup will be curbside or at a centralized location within the subdivision, and if so, designating where that centralized area will be located and how it will meet the screening and wildlife standards outlined in the applicable regulations [Section 4.7.22, FCSR]
11. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All utilities shall be placed underground. [Section 4.7.23, FCSR]



Conditions of PUD & Preliminary Plat/Whitefish Hills Village

Page 4

- b. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR] ✓
- c. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR] ✓
- d. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR] ✓
- 12. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.27(d), FCSR]
- 13. All utilities shall be placed underground. [Section 4.7.23, FCSR]
- 14. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
- 15. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
- 16. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained and provided to the Flathead County Planning & Zoning office prior to any site disturbance or construction. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
- 17. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the Flathead County Board of Commissioners. [Section 4.0.16 FCSR]
- 18. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
- 19. Preliminary plat approval is valid for three (3) years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

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Conditions of PUD & Preliminary Plat/Whitefish Hills Village

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Project-Specific Conditions:

20. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.
21. Prior to final plat approval of Whitefish Hills Village, the applicant shall provide evidence that all applicable permit requirements of the Department of Natural Resources Water Resources Division for the public water supply proposed have been met.
22. A 10-foot bike/pedestrian easement shall be shown on the face of the final plat along both sides of Stelle Lane in accordance with the applicable regulations. [Section 4.7.19 FCSR]
23. A total of 151 acres (minimum) of land shall be dedicated as open space and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(i) and (ii) FCSR, and shall be designated on the face of the final plat. The dedication of open space may be made over the course of five phases of development, in accordance with the proposed phasing plan submitted with the application materials.
24. The existing County road easement for Brady Way shall be abandoned along the boundary between Tract 4 in Section 25 and Tract 4 in Section 26 and realigned as shown on the preliminary plat and proposed by the applicant. Brady Way shall be constructed to County Road and Bridge standards and paved in accordance with the subdivision regulations, from the intersection of Brady Way and Stelle Lane south to the boundary between Section 23 and Section 26, Township 30 North, Range 22 West, as proposed by the applicant. All subdivision roads, including the realignment of Brady Way, shall be designated public access easements as required by the Flathead County Subdivision Regulations. [Section 4.7.15(e) FCSR] ✓
25. The Fire Prevention Control and Fuels Reduction Plan submitted with the preliminary plat application shall be implemented prior to the approval of the final subdivision plat, in accordance with the phasing plan proposed. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for each phase of development. [Section 4.7.27(b)(iii) FCSR]
26. The proposed water supply for fire suppression onsite shall meet all applicable requirements set forth in Section 4.7.27(d) of the Flathead County Subdivision Regulations.
27. Stops signs shall be installed at the intersection of Whitefish Village Drive and Stelle Lane; at the intersection of Meadow View Court and Whitefish Village Drive; and at the intersection of Hills Lookout Court and Whitefish Village Drive, to ensure safe and efficient traffic flow to, from and within the proposed subdivision.

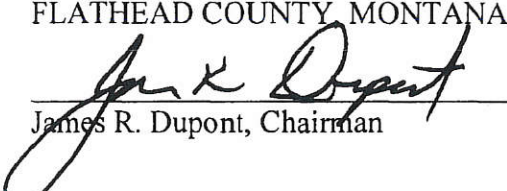


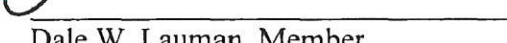
Conditions of PUD & Preliminary Plat/Whitefish Hills Village

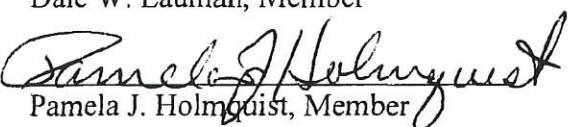
Page 6

28. Trash bins and other refuse containers should be wildlife (bear) proof, secured and kept in a centralized location to limit potential conflicts with wildlife. [Section 4.7.22(c) FCSR]
29. The following statements shall be shown on the face of the final plat:
- f. This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A) FCSR] ✓
 - g. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B) FCSR] ✓
 - h. Fire-Wise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27(a)(ii)(C) FCSR] ✓
 - i. All road names are assigned by the Flathead County Address Coordinator. House numbers shall be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in height. [Section 4.7.27(a)(ii)(D)] ✓
30. The following statement shall be placed on the face of the final plat:
- Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing, and removing food sources. ✓

BOARD OF COMMISSIONERS
FLATHEAD COUNTY, MONTANA


James R. Dupont, Chairman


Dale W. Lauman, Member


Pamela J. Holmquist, Member

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EXHIBIT A-1

4.1.4 APPEALS:

Any final action, decision, or order of the governing body or a regulation adopted pursuant to these regulations that is arbitrary or capricious is subject to appeal to District Court. (See Section 76-3 M.C.A.)

Whitefish Hills Village Phasing Plan

Phase 1

Consists of Lots 1-15. The developer will construct the portion of Whitefish Village Drive through the intersection with Hills Lookout Court. Hills Lookout Court will be constructed in its entirety. The water system and wells will be constructed in the first phase but only the mains and hydrants within the phase will be constructed. Utilities and drainage will be installed within the phase. The developer will dedicate the portion of Open Space A as depicted on the Phasing Plan

Phase 2

Consists of Lots 16-31 and Lots 82-88. The developer will construct Whitefish Village Drive through the intersection with Meadow View Court. Meadow View Court will be constructed in its entirety. Water mains, hydrants, and utilities will be constructed within the phase. The developer will dedicate Open Space B.

Phase 3

Consists of Lots 32-37 and Lots 73-81. The developer will construct the portion of Whitefish Village Drive from Lot 81 to Lot 73 ending in a temporary cul-de-sac. Water mains, hydrants, and utilities will be constructed within the phase. The small portion of open space that connects Open Space B to Open Space A shall be dedicated. (See Phasing Map.

Phase 4

Consists of Lots 38-49 and Lots 68-72. The developer shall construct the portion of Whitefish Hills Village Drive from Lot 72 through Lot 49. The remainder of Whitefish Village Drive and the unconstructed portion of Brady Way will be constructed to a to a county standard for gravel road to serve as secondary emergency egress until Phase 5 is complete. Water mains, hydrants, and utilities will be constructed within the phase. The portion of Open Space A and Open Space D shall be dedicated as shown on the phasing map. The right-of-way from Whitefish Village Drive to the southern property boundary shall be dedicated as a public ROW but not constructed.

Phase 5

Consists of Lots 50-67. The developer shall finish constructing Whitefish Village Drive and Brady Way to the intersection with Stelle Lane and pave the remaining road surface. The remainder of the water, hydrants, drainage and utilities will be installed. The remainder of Open Space A and Open Space C will be dedicated.

Note: Phasing is subject to change in order to adapt to market conditions. Waterline development are the minimums as the system has not been completely designed and may need looping to provide flows.

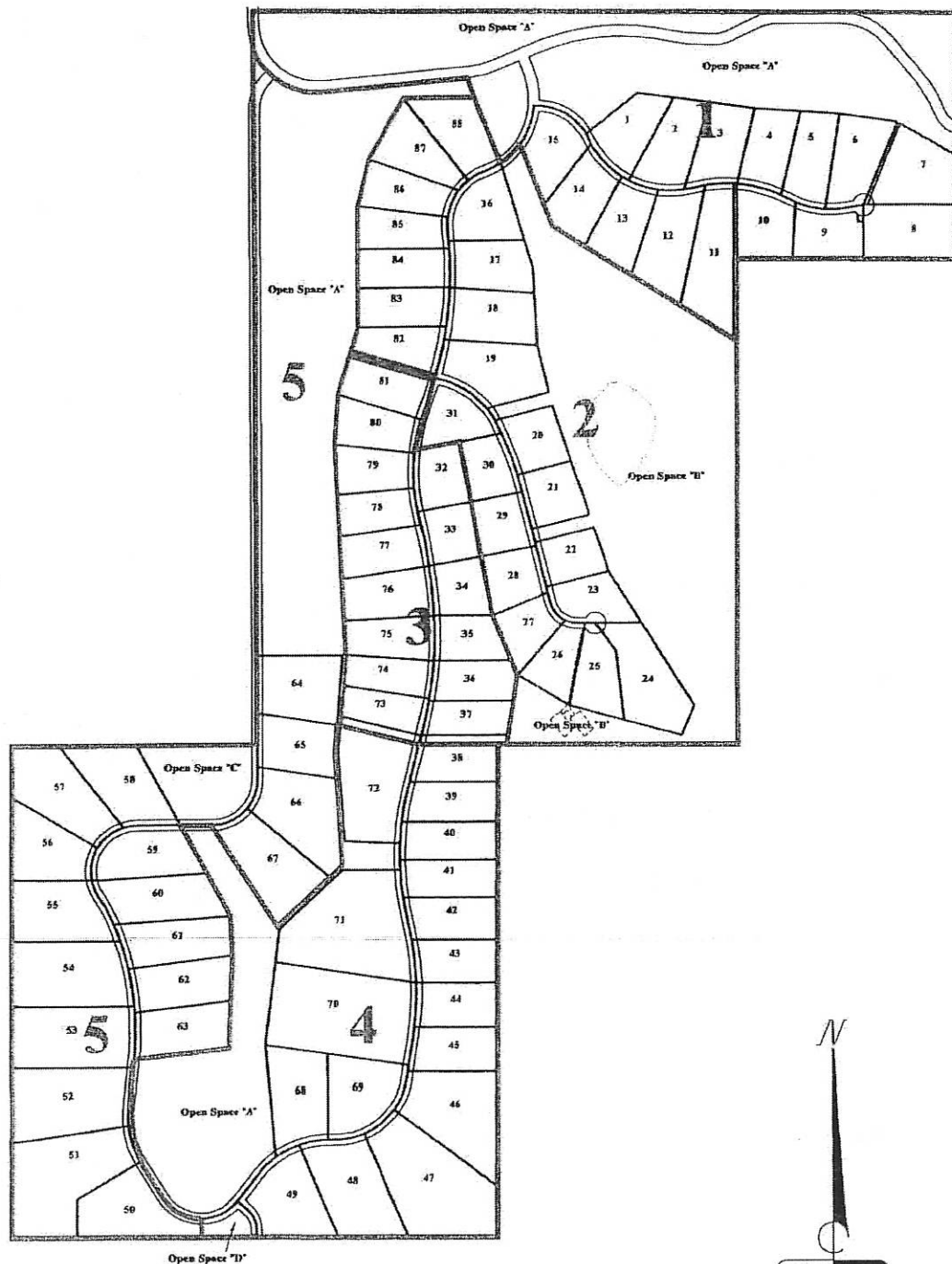
Exhibit 3

APR 14 2010

DEC - 2 2020

Project: 01
Date: July 7, 2010

Phasing Plan for: Whitefish Hills Village



N

SANDS
SURVEYING
INC.

SCALE: 1" = 600'

600' 300' 0 600' 1200'

1002-2-1-1000

DEC - 2 2010

By: SANDS SURVEYING, Inc.
2 Village Loop
Kalispell, MT 59901
(406) 755-6481

JOB NO: 00747 (In 00730)
DRAWING DATE: MARCH 13, 2016
COMPLETED DATE: 10/26/16
FOR/OWNER: WHITEFISH HILLS VILLAGE, LLC

Tn. 5+4 = 0980442

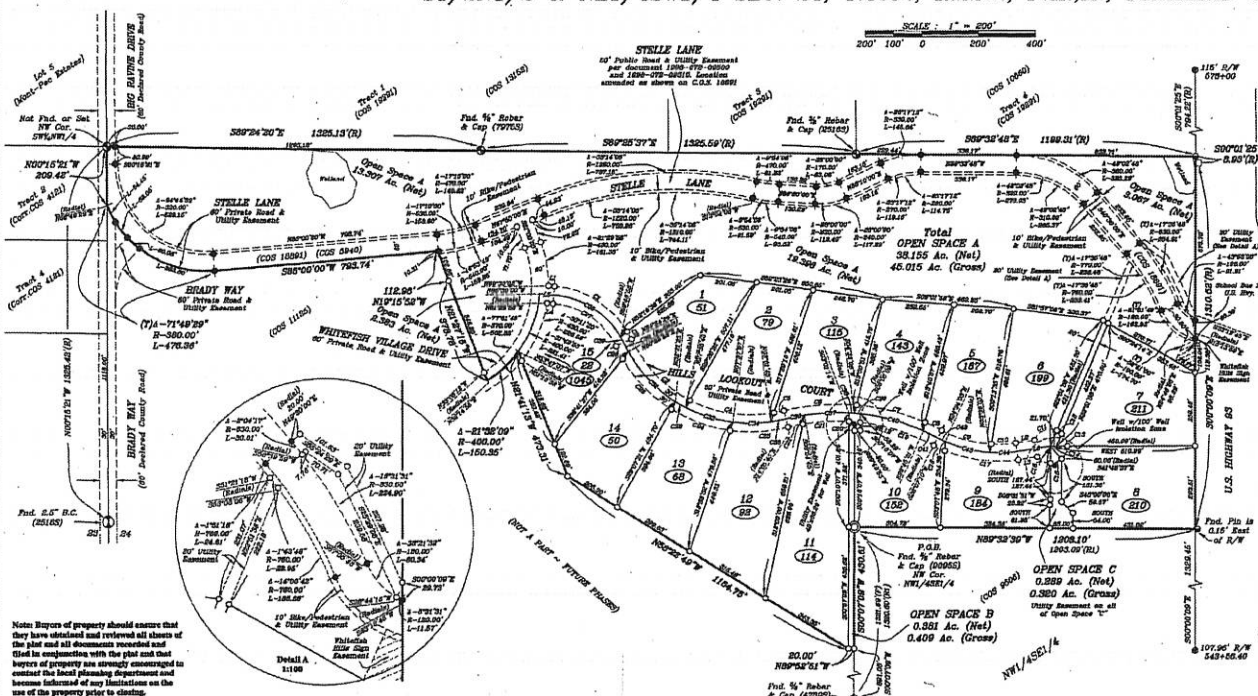
Tn. 2+6 = 0973103

Plat Of

WHITEFISH HILLS VILLAGE, PHASE 1

A Subdivision Located In

S1/2N1/2 & NE1/4SW1/4 SEC. 24, T.30N., R.22W., P.M.M., FLATHEAD COUNTY, MONTANA



HILLS LOOKOUT COURT

CURVE	BEARING	CHORD	LENGTH
C1	300.00°	649.38'	314.87'
C2	300.00°	670.81'	312.27'
C3	470.00°	377.03'	304.36'
C4	470.00°	377.03'	304.36'
C5	470.00°	418.21'	345.24'
C6	780.00°	1250.76'	268.77'
C7	780.00°	1177.04'	261.21'
C8	780.00°	446.70'	84.87'
C9	40.00°	84.39'	16.87'
C10	40.00°	11.41'	2.21'
C11	80.00°	31.91'	6.47'
C12	80.00°	12.38'	2.52'
C13	80.00°	47.40'	9.48'
C14	80.00°	48.11'	9.68'
C15	80.00°	41.64'	8.32'
C16	80.00°	41.30'	8.29'
C17	480.00°	31.31'	6.44'
C18	480.00°	31.31'	6.44'
C19	480.00°	31.31'	6.44'
C20	480.00°	31.31'	6.44'
C21	480.00°	31.31'	6.44'
C22	480.00°	31.31'	6.44'
C23	480.00°	31.31'	6.44'
C24	480.00°	31.31'	6.44'
C25	480.00°	31.31'	6.44'
C26	480.00°	31.31'	6.44'
C27	480.00°	31.31'	6.44'
C28	480.00°	31.31'	6.44'
C29	480.00°	31.31'	6.44'
C30	480.00°	31.31'	6.44'
C31	480.00°	31.31'	6.44'
C32	480.00°	31.31'	6.44'
C33	480.00°	31.31'	6.44'
C34	480.00°	31.31'	6.44'
C35	480.00°	31.31'	6.44'
C36	480.00°	31.31'	6.44'
C37	480.00°	31.31'	6.44'
C38	480.00°	31.31'	6.44'
C39	480.00°	31.31'	6.44'
C40	480.00°	31.31'	6.44'
C41	480.00°	31.31'	6.44'
C42	480.00°	31.31'	6.44'
C43	480.00°	31.31'	6.44'
C44	480.00°	31.31'	6.44'

HILLS LOOKOUT COURT

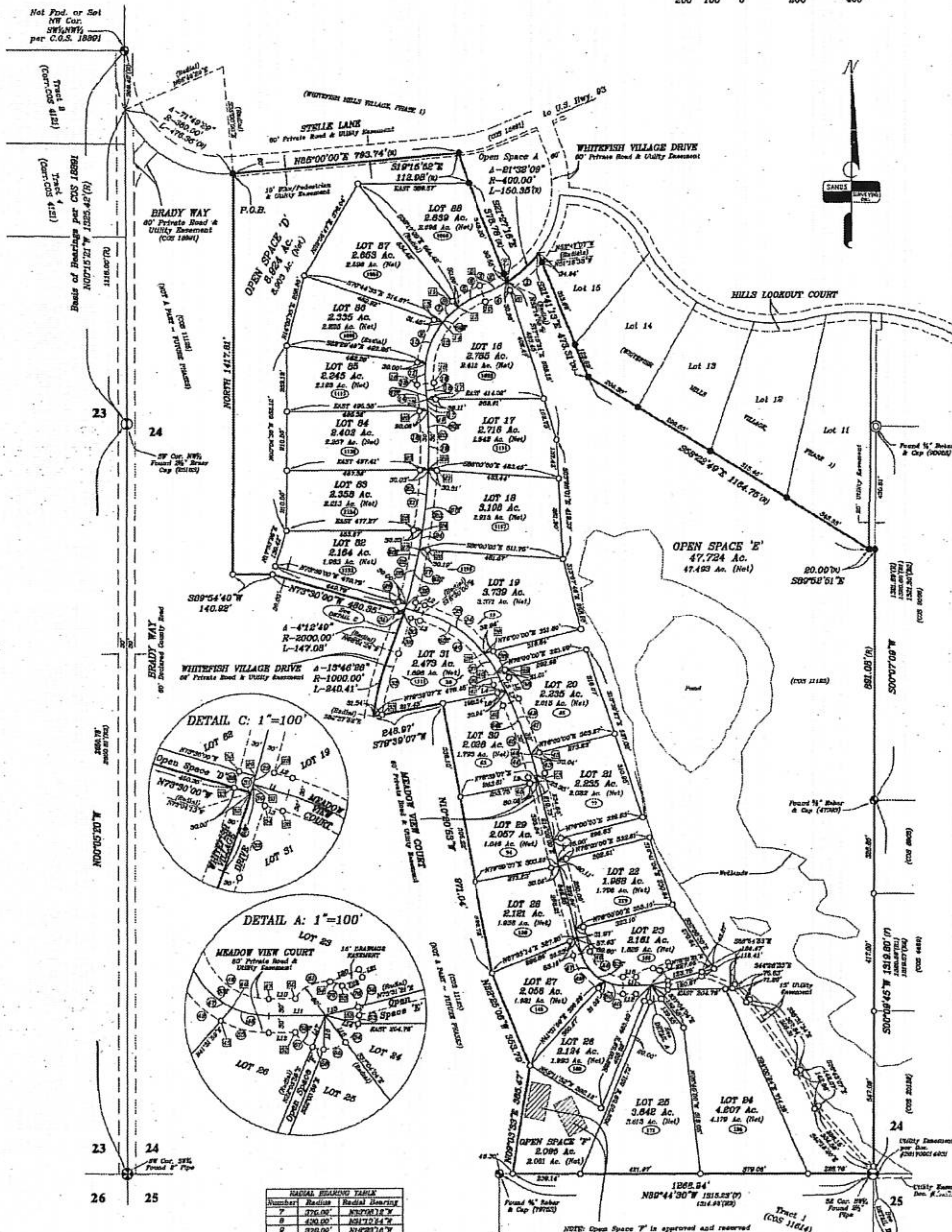
LINE	LENGTH	BEARING
L1	31.05'	S89°30'10"E
L2	67.67'	S89°30'10"E
L3	87.67'	S89°30'10"E
L4	31.05'	S89°30'10"E
L5	80.00'	S89°30'10"E
L6	118.63'	S89°30'10"E

Acresage Table:

LOT	NET ACRES	GROSS ACRES
1	2.501	2.501
2	2.500	2.500
3	2.449	2.449
4	2.500	2.500
5	2.429	2.429
6	2.500	2.500
7	2.524	2.524
8	2.500	2.500
9	2.500	2.500
10	2.500	2.500
11	2.500	2.500
12	2.500	2.500
13	2.500	2.500
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95	2.500	2.500
96	2.500	2.500
97	2.500	2.500
98	2.500	2.500
99	2.500	2.500
100	2.500	2.500
Total	40.337	40.337
Open Space A	38.155	45.015
Open Space B	0.409	0.409
Open Space C	0.385	0.385
Open Space D	0.385	0.385
Open Space E	0.385	0.385
Open Space F	0.385	0.385
Open Space G	0.385	0.385
Open Space H	0.385	0.385
Open Space I	0.385	0.385
Open Space J	0.385	0.385
Open Space K	0.385	0.385
Open Space L	0.385	0.385
Open Space M	0.385	0.385
Open Space N	0.385	0.385
Open Space O	0.385	0.385
Open Space P	0.385	0.385
Open Space Q	0.385	0.385
Open Space R	0.385	0.385
Open Space S	0.385	0.385
Open Space T	0.385	0.385
Open Space U	0.385	0.385
Open Space V	0.385	0.385
Open Space W	0.385	0.385
Open Space X	0.385	0.385
Open Space Y	0.385	0.385
Open Space Z	0.385	0.385
Open Space AA	0.385	0.385
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Open Space AC	0.385	0.385
Open Space AD	0.385	0.385
Open Space AE	0.385	0.385
Open Space AF	0.385	0.385
Open Space AG	0.385	0.385
Open Space AH	0.385	0.385
Open Space AI	0.385	0.385
Open Space AJ	0.385	0.385
Open Space AK	0.385	0.385
Open Space AL	0.385	0.385
Open Space AM	0.385	0.385
Open Space AN	0.385	0.385
Open Space AO	0.385	0.385
Open Space AP	0.385	0.385
Open Space AQ	0.385	0.385
Open Space AR	0.385	0.385
Open Space AS	0.385	0.385
Open Space AT	0.385	0.385
Open Space AU	0.385	0.385
Open Space AV	0.385	0.385
Open Space AW	0.385	0.385
Open Space AX	0.385	0.385
Open Space AY	0.385	0.385
Open Space AZ	0.385	0.385
Open Space BA	0.385	0.385
Open Space BB	0.385	0.385
Open Space BC	0.385	0.385
Open Space BD	0.385	0.385
Open Space BE	0.385	0.385
Open Space BF	0.385	0.385
Open Space BG	0.385	0.385
Open Space BH	0.385	0.385
Open Space BI	0.385	0.385
Open Space BJ	0.385	0.385
Open Space BK	0.385	0.385
Open Space BL	0.385	0.385
Open Space BM	0.385	0.385
Open Space BN	0.385	0.385
Open Space BO	0.385	0.385
Open Space BP	0.385	0.385
Open Space BQ	0.385	0.385
Open Space BR	0.385	0.385
Open Space BS	0.385	0.385
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Open Space BU	0.385	0.385
Open Space BV	0.385	0.385
Open Space BW	0.385	0.385
Open Space BX	0.385	0.385
Open Space BY	0.385	0.385
Open Space BZ	0.385	0.385
Open Space CA	0.385	0.385
Open Space CB	0.385	0.385
Open Space CC	0.385	0.385
Open Space CD	0.385	0.385
Open Space CE	0.385	0.385
Open Space CF	0.385	0.385
Open Space CG	0.385	0.385
Open Space CH	0.385	0.385
Open Space CI	0.385	0.385
Open Space CJ	0.385	0.385
Open Space CK	0.385	0.385
Open Space CL	0.385	0.385
Open Space CM	0.385	0.385
Open Space CN	0.385	0.385
Open Space CO	0.385	0.385
Open Space CP	0.385	0.385
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Open Space CV	0.385	0.385
Open Space CW	0.385	0.385
Open Space CX	0.385	0.385
Open Space CY	0.385	0.385
Open Space CZ	0.385	0.385
Open Space DA	0.385	0.385
Open Space DB	0.385	0.385
Open Space DC	0.385	0.385
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Open Space DE	0.385	0.385
Open Space DF	0.385	0.385
Open Space DG	0.385	0.385
Open Space DH	0.385	0.385
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Open Space DJ	0.385	0.385
Open Space DK	0.385	0.385
Open Space DL	0.385	0.385
Open Space DM	0.385	0.385
Open Space DN	0.385	0.385
Open Space DO	0.385	0.385
Open Space DP	0.385	0.385
Open Space DQ	0.385	0.385
Open Space DR	0.385	0.385
Open Space DS	0.385	0.385
Open Space DT	0.385	0.385
Open Space DU	0.385	0.385
Open Space DV	0.385	0.385
Open Space DW	0.385	0.385
Open Space DX	0.385	0.385
Open Space DY	0.385	0.385
Open Space DZ	0.385	0.385
Open Space EA	0.385	0.385
Open Space EB	0.385	0.385
Open Space EC	0.385	0.385
Open Space ED	0.385	0.385
Open Space EE	0.385	0.385
Open Space EF	0.385	0.385
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Open Space EI	0.385	0.385
Open Space EJ	0.385	0.385
Open Space EK	0.385	0.385
Open Space EL	0.385	0.385
Open Space EM	0.385	0.385
Open Space EN	0.385	0.385
Open Space EO	0.385	0.385
Open Space EP	0.385	0.385
Open Space EQ	0.385	0.385
Open Space ER	0.385	0.385
Open Space ES	0.385	0.385
Open Space ET	0.385	0.385
Open Space EU	0.385	0.385
Open Space EV	0.385	0.385
Open Space EW	0.385	0.385
Open Space EX	0.385	0.385
Open Space EY	0.385	0.385
Open Space EZ	0.385	0.385
Open Space FA	0.385	0.385
Open Space FB	0.385	0.385
Open Space FC	0.385	0.385
Open Space FD	0.385	0.385
Open Space FE	0.385	0.385
Open Space FF	0.385	0.385
Open Space FG	0.385	0.385
Open Space FH	0.385	0.385
Open Space FI	0.385	0.385
Open Space FJ	0.385	0.385
Open Space FK	0.385	0.385
Open Space FL	0.385	0.385
Open Space FM	0.385	0.385
Open Space FN	0.385	0.385
Open Space FO	0.385	0.385
Open Space FP	0.385	0.385
Open Space FQ	0.385	0.385
Open Space FR	0.385	0.

JOB NO: 00770 (in 00730)
DRAWING DATE: AUGUST 24, 2017
REVISED: DECEMBER 7, 2017
COMPLETED DATE: 12/21/2017
FOR/OWNER: WHITEFISH VILLAGE, LLC

SCALE : 1" = 200'

A horizontal graphic scale bar with tick marks at 200', 100', 0, 200', and 400'. The bar is divided into four equal segments, each representing 100 feet. The first segment is labeled 200', the second 100', the third 0, the fourth 200', and the total length is labeled 400' at the right end.

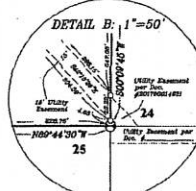
COUNT TABLE		
GROUP	NUMBER	PERCENT
1	4.50	10.00
2	7.50	16.67
3	10.50	23.33
4	13.50	30.00
5	16.50	36.67
6	20.00	44.44
7	23.00	51.11
8	26.00	57.78
9	29.00	64.44
10	32.00	71.11
11	35.00	77.78
12	38.00	84.44
13	41.00	91.11
14	44.00	97.78
15	47.00	100.00
16	50.00	100.00
17	53.00	100.00
18	56.00	100.00
19	59.00	100.00
20	62.00	100.00
21	65.00	100.00
22	68.00	100.00
23	71.00	100.00
24	74.00	100.00
25	77.00	100.00
26	80.00	100.00
27	83.00	100.00
28	86.00	100.00
29	89.00	100.00
30	92.00	100.00
31	95.00	100.00
32	98.00	100.00
33	101.00	100.00
34	104.00	100.00
35	107.00	100.00
36	110.00	100.00
37	113.00	100.00
38	116.00	100.00
39	119.00	100.00
40	122.00	100.00
41	125.00	100.00
42	128.00	100.00
43	131.00	100.00
44	134.00	100.00
45	137.00	100.00
46	140.00	100.00
47	143.00	100.00
48	146.00	100.00
49	149.00	100.00
50	152.00	100.00
51	155.00	100.00
52	158.00	100.00
53	161.00	100.00
54	164.00	100.00
55	167.00	100.00
56	170.00	100.00
57	173.00	100.00
58	176.00	100.00
59	179.00	100.00
60	182.00	100.00
61	185.00	100.00
62	188.00	100.00
63	191.00	100.00
64	194.00	100.00
65	197.00	100.00
66	200.00	100.00
67	203.00	100.00
68	206.00	100.00
69	209.00	100.00
70	212.00	100.00
71	215.00	100.00
72	218.00	100.00
73	221.00	100.00
74	224.00	100.00
75	227.00	100.00
76	230.00	100.00
77	233.00	100.00
78	236.00	100.00
79	239.00	100.00
80	242.00	100.00
81	245.00	100.00
82	248.00	100.00
83	251.00	100.00
84	254.00	100.00
85	257.00	100.00
86	260.00	100.00
87	263.00	100.00
88	266.00	100.00
89	269.00	100.00
90	272.00	100.00
91	275.00	100.00
92	278.00	100.00
93	281.00	100.00
94	284.00	100.00
95	287.00	100.00
96	290.00	100.00
97	293.00	100.00
98	296.00	100.00
99	299.00	100.00
100	302.00	100.00

CLUSTY TABLE				
TOTAL CLUSTY P/N	CLUSTY	RADIUS	AREA	1300000
51 thru 27	097	80.00	2009.00 SQ	234.18
6, 8, 12 & 10	097	300.00	7778.00 SQ	438.37
17 & 19	097	2000.00	7717.75	269.82
20 & 24	017	2000.00	8703.75	279.88
28 & 29	017	2000.00	8703.75	279.88
47 & 48	073	150.00	7069.00	128.07
49 & 44	073	1800.00	12767.00	274.80
50, 37 & 39	073	450.00	4700.00	104.00
04 & 05	097	2000.00	7730.44	269.82
10 & 17	077	2000.00	8744.00	280.00

	LINK TABLE		
	LINK	LENGTH	REMARKS
	11	63.58	STATION 00+00
	12	33.62	STATION 00+34
	13	33.61	STATION 00+67
	14	33.12	STATION 01+01
	15	40.65	STATION 01+31
	16	19.82	STATION 01+51
	17	43.38	STATION 02+00
	18	82.86	STATION 02+82
	19	66.04	STATION 03+49
	20	66.05	EAST
	21	66.05	EAST
	22	46.09	EAST
(Sta.)	23	66.00	STATION 04+15
(Sta.)	24	66.00	STATION 04+81
(Sta.)	25	66.00	STATION 05+47
(Sta.)	26	66.00	STATION 06+13
(Sta.)	27	66.00	STATION 06+79
(Sta.)	28	66.00	STATION 07+45
(Sta.)	29	66.00	STATION 08+11
(Sta.)	30	66.00	STATION 08+77
(Sta.)	31	66.00	STATION 09+43
(Sta.)	32	66.00	STATION 10+09
(Sta.)	33	66.00	STATION 10+75
(Sta.)	34	66.00	STATION 11+41
(Sta.)	35	66.00	STATION 12+07
(Sta.)	36	66.00	STATION 12+73
(Sta.)	37	66.00	STATION 13+39
(Sta.)	38	66.00	STATION 14+05
(Sta.)	39	66.00	STATION 14+71
(Sta.)	40	66.00	STATION 15+37
(Sta.)	41	66.00	STATION 16+03
(Sta.)	42	66.00	STATION 16+69
(Sta.)	43	66.00	STATION 17+35
(Sta.)	44	66.00	STATION 18+01
(Sta.)	45	66.00	STATION 18+67
(Sta.)	46	66.00	STATION 19+33
(Sta.)	47	66.00	STATION 19+99
(Sta.)	48	66.00	STATION 20+65
(Sta.)	49	66.00	STATION 21+31
(Sta.)	50	66.00	STATION 21+97
(Sta.)	51	66.00	STATION 22+63
(Sta.)	52	66.00	STATION 23+29
(Sta.)	53	66.00	STATION 23+95
(Sta.)	54	66.00	STATION 24+61
(Sta.)	55	66.00	STATION 25+27
(Sta.)	56	66.00	STATION 25+93
(Sta.)	57	66.00	STATION 26+59
(Sta.)	58	66.00	STATION 27+25
(Sta.)	59	66.00	STATION 27+91
(Sta.)	60	66.00	STATION 28+57
(Sta.)	61	66.00	STATION 29+23
(Sta.)	62	66.00	STATION 29+89
(Sta.)	63	66.00	STATION 30+55
(Sta.)	64	66.00	STATION 31+21
(Sta.)	65	66.00	STATION 31+87
(Sta.)	66	66.00	STATION 32+53
(Sta.)	67	66.00	STATION 33+19
(Sta.)	68	66.00	STATION 33+85
(Sta.)	69	66.00	STATION 34+51
(Sta.)	70	66.00	STATION 35+17
(Sta.)	71	66.00	STATION 35+83
(Sta.)	72	66.00	STATION 36+49
(Sta.)	73	66.00	STATION 37+15
(Sta.)	74	66.00	STATION 37+81
(Sta.)	75	66.00	STATION 38+47
(Sta.)	76	66.00	STATION 39+13
(Sta.)	77	66.00	STATION 39+79
(Sta.)	78	66.00	STATION 40+45
(Sta.)	79	66.00	STATION 41+11
(Sta.)	80	66.00	STATION 41+77
(Sta.)	81	66.00	STATION 42+43
(Sta.)	82	66.00	STATION 43+09
(Sta.)	83	66.00	STATION 43+75
(Sta.)	84	66.00	STATION 44+41
(Sta.)	85	66.00	STATION 45+07
(Sta.)	86	66.00	STATION 45+73
(Sta.)	87	66.00	STATION 46+39
(Sta.)	88	66.00	STATION 47+05
(Sta.)	89	66.00	STATION 47+71
(Sta.)	90	66.00	STATION 48+37
(Sta.)	91	66.00	STATION 49+03
(Sta.)	92	66.00	STATION 49+69
(Sta.)	93	66.00	STATION 50+35
(Sta.)	94	66.00	STATION 51+01
(Sta.)	95	66.00	STATION 51+67
(Sta.)	96	66.00	STATION 52+33
(Sta.)	97	66.00	STATION 52+99
(Sta.)	98	66.00	STATION 53+65
(Sta.)	99	66.00	STATION 54+31
(Sta.)	100	66.00	STATION 54+97
(Sta.)	101	66.00	STATION 55+63
(Sta.)	102	66.00	STATION 56+29
(Sta.)	103	66.00	STATION 56+95
(Sta.)	104	66.00	STATION 57+61
(Sta.)	105	66.00	STATION 58+27
(Sta.)	106	66.00	STATION 58+93
(Sta.)	107	66.00	STATION 59+59
(Sta.)	108	66.00	STATION 60+25
(Sta.)	109	66.00	STATION 60+91
(Sta.)	110	66.00	STATION 61+57
(Sta.)	111	66.00	STATION 62+23

[illegible]

	NET ACRES	GROSS ACRES
Total Lots	64.160	69.661
Open Space D	8.903	9.924
Open Space E	47.463	47.764
Open Space F	0.283	0.283
Total Open Space	53.477	58.749
Total Road R/W	4.737	
TOTAL SUBD.	117.394 Ac.	



LEGEND:

- ③ Section corner (as noted)
- ③ 1/4 Corner (as noted)
- ③ Center section (as noted)
- ③ 1/16 Corner (as noted)
- ③ Set 1/2"x14" Rebar & Cap (79755)
- ③ Found 1/4" Rebar & Cap (79755)
- ③ Record Information Per C.O.S. of West Hills Village, Phase 1
- ③ Record Information Per C.O.S. 5506
- ③ Record Information Per C.O.S. 1112
- ③ Record Information Per C.O.S. 1881
- ③ Found Information
- ③ Radial Bearing
- ③ Total Curve Information
- ③ Curve Number
- ③ Radial Bearing Number
- ③ Point of Beginning
- ③ Street Address

Note: For Health Department approval - see sheet 16-18-20
Fittland County Doc#B202000794, page 3-12

Note: Buyers of property should ensure that they have obtained and reviewed all sheets of the plat and all documents recorded and filed in conjunction with the plat and that buyers of property are strongly encouraged to contact the local planning department and become informed of any limitations on the use of the property prior to closing.

SHEET 2 OF 2 SHEETS
FILE No. 167-20180007 2643 *Albert*

DEC - 2 2020

File # 20180067 Abstract# 2055
 20180067-2055 Pages 233-240
 By: [redacted]
 Date: 01/11/2018 Time: 11:14 AM
 System Name: [redacted]

ATTACHMENT 2

2 Village Loop
Kalispell, MT 59901
(406) 755-6481

WHITEFISH HILLS VILLAGE, PHASE 4

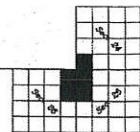
A Subdivision Located In

SW1/4SW1/4 SEC. 24, W1/2NW1/4 SEC. 25, & E1/2NE1/4 SEC. 26,
ALL IN T.30N., R.22W., P.M.M., FLATHEAD COUNTY, MONTANA

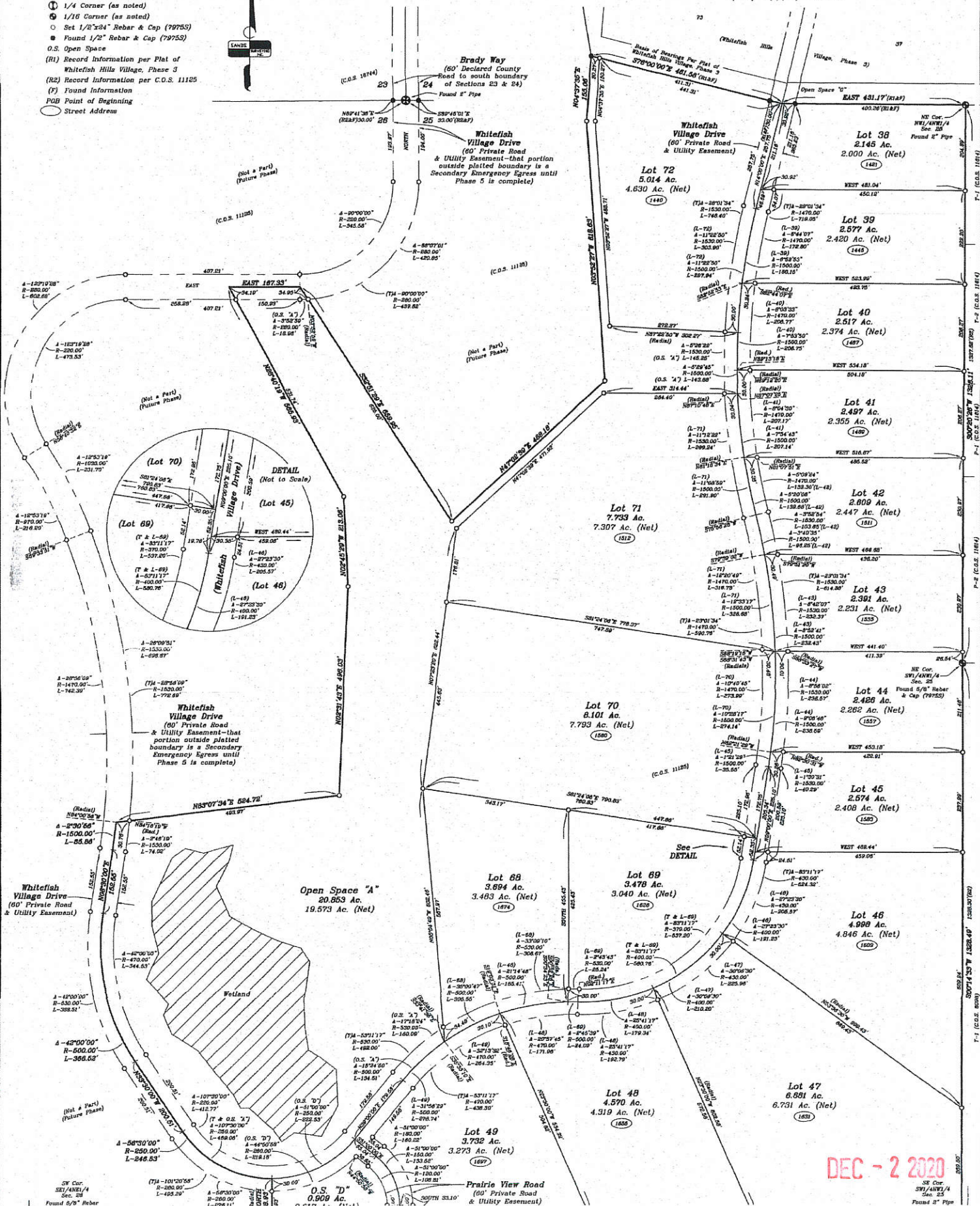
JOB NO: 00768 (In 00730)
DRAWING DATE: May 2, 2019
COMPLETED DATE: 1/16/2019
FOR/OWNER: Whitefish Village, LLC

LEGEND:

- ⊕ Section Corner (as noted)
- ⊙ 1/4 Corner (as noted)
- ⊙ 1/16 Corner (as noted)
- Set 1/2"x3/4" Rebar & Cap (79755)
- Found 1/2" Rebar & Cap (79753)
- O.S. Open Space
- (R1) Record Information per Plat of Whitefish Hills Village, Phase 3
- (R2) Record Information per C.O.S. 11125
- (F) Found Information
- POB Point of Beginning
- Street Address



Total: 88,700 Ac.
Lots (17) (Net): 63,919 Ac.
Rounds: 5,591 Ac.
Open Space (2) (Net): 20,190 Ac.

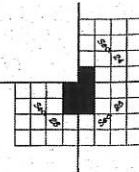


DEC - 2 2020

JOB NO: 00768 (In 00730)
DRAWING DATE: May 2, 2019
COMPLETED DATE: 11/6/2019
FOR/OWNER: Whitefish Village, LLC

A Subdivision Located In

SW1/4SW1/4 SEC. 24, W1/2NW1/4 SEC. 25, & E1/2NE1/4 SEC. 26,
ALL IN T.30N., R.22W., P.M.,M., FLATHEAD COUNTY, MONTANA



Total:	89.700 Ac.
Lots (17) (Net):	63.919 Ac.
Roads:	5.591 Ac.
Open Space (2) (Net):	20.190 Ac.

I/(we), THE UNDERSIGNED PROPERTY OWNER(s), DO HEREBY CERTIFY THAT I/(we) HAVE CAUSED TO BE SURVEYED AND PLATTED INTO LOTS ALL THE FOLLOWING DESCRIBED PROPERTY AS DESCRIBED IN THE CERTIFICATE OF DEDICATION, AND SHOWN BY THE ANNEXED PLAT OR MAP AND SITUATED IN FLATHEAD COUNTY, MONTANA:

A TRACT OF LAND SITUATED, LYING, AND BEING IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 25, AND IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 30 NORTH, RANGE 22 WEST, B.M.V. PLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

[illegible]

The above described tract of land shall hereafter be known as:
WHITEFISH HILLS VILLAGE, PHASE 4

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under and across each area designated on this plan as "UTILITY EASEMENT" to have and to hold forever.

I/we) WHITEFISH VILLAGE, LLC, owner and developer of the property set forth above, do hereby agree that I/we) will develop the above property as a Planned Unit Development in accordance to the submitted PUD Plan.

The roadway shown as Whitefish Falls Drive on this plat is intended to be private in all respects. It is hereby dedicated forever to be for the use of the owners (and their successors in interest) of the lots described on this plat. The owners (and their successors in interest) of the lots described on this plat, will provide for the all-around maintenance of Whitefish Falls Drive. It is understood and agreed that the value of each lot described on this plat is enhanced by the private, exclusive nature of said roadway and the all-around maintenance and servicing of the same. **WHITEFISH HILLS VILLAS, PHASE 1** is the name of the subdivision and the name of the lot in this phase, the developer, his heirs and assigns, and any and all past and future phans or subdivisions submitted by the developer. By order of the County Commissioners these deeds are designated

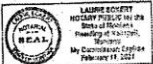
I/we certify that the parcels labeled as "Open Space" and all roadways are exempt from D.E.Q. review pursuant to A.R.M. 17.06.605(2)(a) as "a parcel that has no facilities for water supply, wastewater disposal, storm drainage or solid waste disposal, if no facilities will be constructed on the parcel."

Note: Buyers of property should ensure that they have obtained and reviewed all sheets of the plat and all documents recorded and filed in conjunction with the plat and that buyers of property are strongly encouraged to contact the local planning department and become informed of any limitations on the use of the property prior to closing.* Pursuant to ARM 84.183.1107(2)(e)(xiii)(B).

STATE OF MONTANA)
County of Flathead) SS

On this 16th day of June, 2019, before me a Notary Public for the State of Montana personally appeared Donald R. Murray of WHITEFISH VILLAGE, LLC, known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

James E. Hart
Notary Public for the State of Montana



We, the undersigned Members of the Board of County Commissioners of
Flathead County, Montana, Martha Peterson, County Clerk of said County, do
 hereby certify that this accompanying Plat of WHITEFISH HILLS VILLAGE, PHASE 4, Flathead County,
 Montana, has been submitted to the Board of County Commissioners of Flathead
 County, Montana, for examination and has been approved in accordance to the law and was
 approved upon at their regular meeting held on the 24th day of November, 2012.

David L. Peterson Martha Peterson
 Chairman, Board of County Commissioners, Flathead County County Clerk - Flathead County

This plat has been examined by the office of the County Attorney according to Section 78-3-812(2) M.C.A., relying upon Title Report No. PT-1515-1984-7, and approved based on information submitted by the developer and/or his agent.

Office of the County Attorney
Flathead County, Montana

Date: 9/19/19

By Caithin Overland
Deputy

Due to construction and installation of improvements, the survey monuments shown as set on this survey will be set after construction is complete, and within 180 days of recording.

a. All utilities shall be placed underground. [Section 4.7.23, PCSR]
b. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.28, PCSR]
c. All owners are required to develop a Site Control Plan to which the developer and the Flathead County West Department agreed. [Section 4.7.25, PCSR]
d. All owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, PCSR]
e. All subdivision roads are designated public access easements. [Section 4.7.15(f), PCSR]
f. This subdivision is located in the Wildland Urban Interface wildlife priority area where wildfires can and do occur. [Section 4.7.27(h)(1)(A), PCSR]
g. Only Class A and B fire-rated roofing materials are allowed. [Section 4.7.27(a)(1)(D), PCSR]
h. All subdivision site specific space standards shall be incorporated under all primary structures and improvements. [Section 4.7.87(a)(1)(C), PCSR]
i. All road names are assigned by the Flathead County Address Authority. [Section 4.7.87(a)(1)(D), PCSR]
j. All structures are subject to the Flathead County Wildfire Ordinance, et al. at the driveway entrance or on the house. House numbers shall be at least four inches in height. [Section 4.7.87(a)(1)(E), PCSR]
k. All structures are subject to the Flathead County Wildfire Ordinance, et al. in the area, and are reminded that feeding big game is illegal. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife and Parks for more information on wildlife management, and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing, and removing food sources.
l. All structures are subject to the Flathead County Wildfire Ordinance, et al. standards (permitted and conditional uses, bulk and dimensional requirements) of the underlying 340-D Suburban Agricultural zoning district.

NOTE: For Health Department approval see E.Q. #16-1300
(Flathead County Doc. #201600023784, pages 3-21)

CERTIFICATE OF SURVEYOR

THOMAS E. SANDS 70708

APPROVED: 6.3, 2019

EXAMINING LAND SURVEYOR
REG. No. 73285

STATE OF MONTANA)
COUNTY OF FLATHEAD) ss

FILED ON THE 7 DAY OF Nov, 2019
AT 2:32 PM PAID FEE \$63.50

Debbie Peterson

CLERK & RECORDER

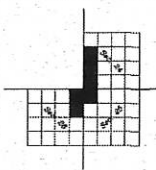
BY Kathy Daisenport

DEPUTY
INSTRUMENT REC. No. 201900028845

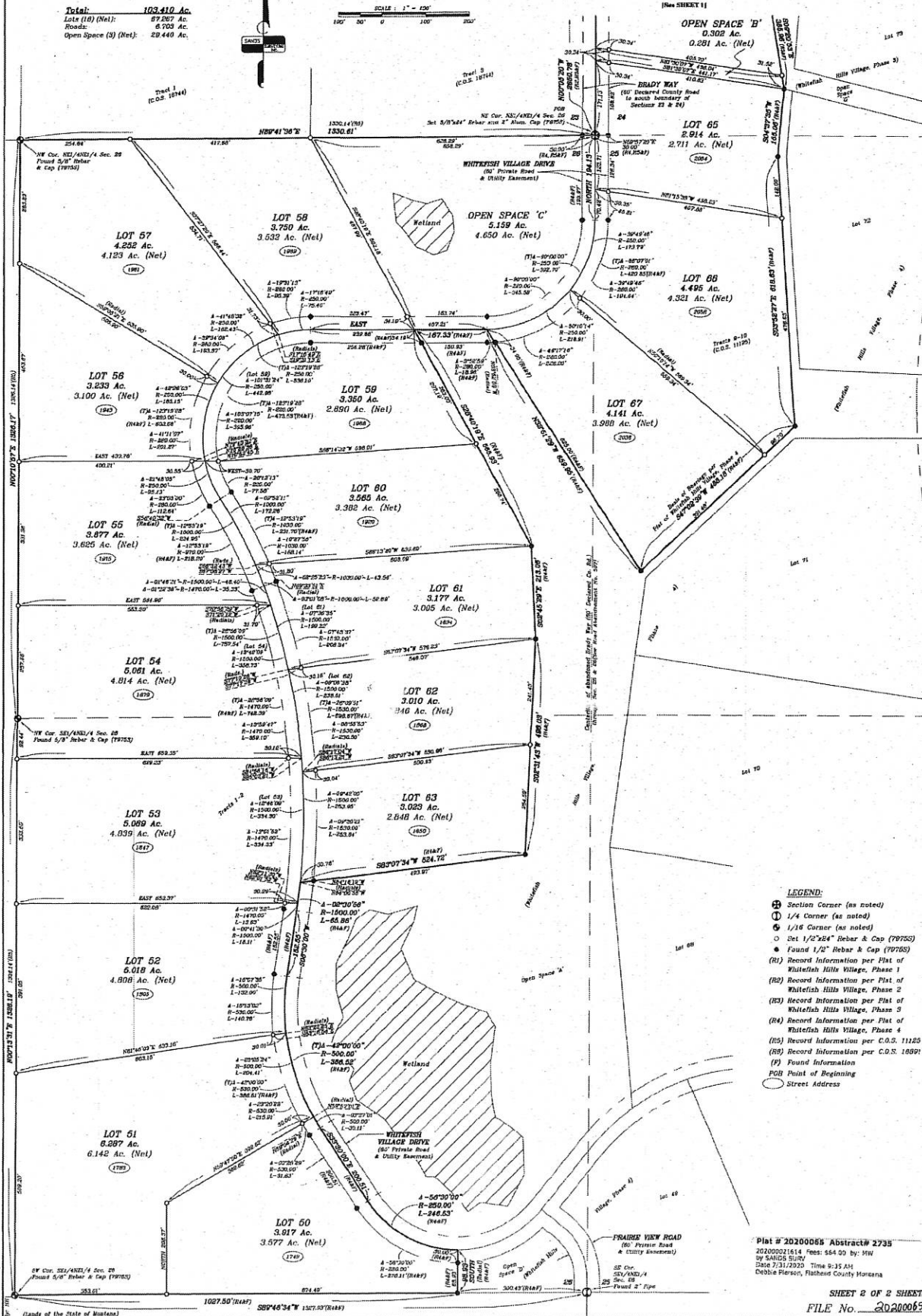
By: SANDS SURVEYING, Inc.
2 Village Loop
Kalispell, MT 59901
(406) 755-0481

JOB NO: 00769 (In 00730)
DRAWING DATE: February 26, 2020
COMPLETED DATE: 6/24/2020
FOR/OWNER: Whitefish Village, LLC

Plat of
WHITEFISH HILLS VILLAGE, PHASE 5
A Subdivision Located In SW1/4NW1/4 & W1/2SW1/4 SEC. 24,
NW1/4NW1/4 SEC. 25, & E1/2NE1/4 SEC. 26,
ALL IN T.30N., R.22W., P.M.M., FLATHEAD COUNTY, MONTANA



Total: 103.412 Ac.
Lot (18) (Net): 27.267 Ac.
Roads: 6.703 Ac.
Open Space (3) (Net): 29.440 Ac.



- LEGEND:**
- ⊙ Section Corner (as noted)
 - ⊙ 1/4 Corner (as noted)
 - ⊙ 1/16 Corner (as noted)
 - ⊙ Del 1/2"x24" Rebar & Cap (79765)
 - Found 1/2" Rebar & Cap (79765)
 - (R1) Record Information per Plat of Whitefish Hills Village, Phase 1
 - (R2) Record Information per Plat of Whitefish Hills Village, Phase 2
 - (R3) Record Information per Plat of Whitefish Hills Village, Phase 3
 - (R4) Record Information per Plat of Whitefish Hills Village, Phase 4
 - (R5) Record Information per C.O.S. 11229
 - (R6) Record Information per C.O.S. 18991
 - (P) Found Information
 - POB Point of Beginning
 - Street Address

Plat # 20200065 Abstract# 2735
20200021614 Fees: \$64.00 by: MW
SD SANDS SURV.
Date 7/31/2020 Time 9:35 AM
Cobbie Platters, Flathead County Montana

SHEET 2 OF 2 SHEETS
FILE No. 20200065

Rachel Ezell

From: Rachel Ezell
Sent: Wednesday, August 14, 2019 4:09 PM
To: 'bickmt@gmail.com'
Cc: Mark Mussman; 'Eric H. Mulcahy'
Subject: RE: Preliminary Plat as referenced below
Attachments: Whitefish Hills Village Application Phasing Plan.pdf; 4.7.15 Access FCSR .pdf

Bick,

Thank you for your patience. We dug through the file and reviewed the subdivision regulations in place at the time the subdivision was reviewed and it appears the easement shown on the plat is simply a public access easement and not an internal subdivision road intended to be paved or subject to Condition #5. This is supported in two ways:

1. Attached is the Whitefish Hills Village phasing plan which was submitted with the application and date stamped April 14, 2011. In the written description of Phase 4, "The right-of-way from Whitefish Village Drive to the southern property boundary shall be dedicated as a public ROW but not constructed."
2. The subdivision regulations effective during the review period (Version IV, effective April 1, 2011) state, "When a new subdivision adjoins un-subdivided land (lands or parcels not created by a filed subdivision plat) the subdivider may be required to provide rights-of-way or easements from proposed subdivision road easement to the adjacent un-subdivided property."

The proposed dedicated public right-of-way is shown on the face of the preliminary plat, appears to comply with the requirements of Section 4.7.15(d), and was not reviewed as a primary access road or emergency access road in the staff report or Traffic Impact Study. Therefore it does not appear that the access needs to be improved at the time of final plat of phase 4.

Let me know if you have any questions.

Thanks,

Rachel Ezell, AICP®
Planner II
Flathead County Planning & Zoning
40 11th Street West, Ste 220
Kalispell, MT 59901
(406) 751-8200 Fax: (406) 751-8210

Any communications with the Flathead County Planning and Zoning Office are subject to relevant State and Federal public record and information laws and regulations, and may be disclosed without further notice to you.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Exhibit 5

Procedures for Abandonment

"County Road"

Fees for Road Abandonments: \$75.00 Base Fee
\$50.00 Mailing/Publication Costs
\$.31 per mile to and from the roadway with mileage
from the Courthouse.

- 1) Signatures must be obtained on Petition. Petition must have a **MAP** attached outlining portion of road to be abandoned and a **LEGAL DESCRIPTION** of the road. (The petitioner is responsible for providing the legal description and may need to hire a Surveyor) The County's Geographic Information Systems program is online at <https://flathead.mt.gov/gis>
- 2) Once the petition is received and the fee is paid, the petition will be reviewed by the Plat Room to verify signatures and obtain a list of abutters of that road.
- 3) The petition will then be forwarded to the County Attorney's Office for viewing and a written report to the Commissioners with a recommendation of whether or not the road should be abandoned.
- 4) The petition is returned to the Commissioner's Office for viewing by the Commissioner whose district the road is located in and the Flathead County Surveyor. The viewers have up to 30 days to view the road once they have received the file. The viewers will then make a recommendation as to whether or not the road should be abandoned.
- 5) A public hearing will be held and a copy of the Notice of a Public Hearing will be published twice in the Daily Inter Lake. A copy is also sent to the petitioner and all other abutting property owners.
- 6) The Commissioners usually make a decision of whether or not to abandon the road at the Public Hearing, unless there are protests or a property owner can prove that this roadway would be their only access to their property.

Return the petition, map, legal description and fee to the Office of the Flathead County Commissioners, located on the third floor of the old courthouse in the middle of Main Street in Kalispell, or mail to:

Flathead County Commissioners
Attention: Clerk to the Board
800 South Main Street
Room 302
Kalispell, Montana 59901
(406) 758-5537

Exhibit 6

DEC - 2 2020
SEP - 5 2019

Base Fee \$75.00
Mail/Pub \$50.00
Mileage @ \$.31 per mile _____
Total _____

Petition for Discontinuance of County Road
to the Board of County Commissioners, Flathead County, Montana

We, the undersigned, being residents and freeholders of Flathead County, Montana, taxable therein for road purposes, do hereby petition in writing, pursuant to M.C.A. Section 7-14-2601, et seq., the Board of County Commissioners of Flathead County, Montana, to discontinue and abandon that certain public roadway in Flathead County, Montana, named and described as follows:

(LEGAL DESCRIPTION)

THE WEST 30' OF THE W 1/2 NW 1/4 Sec 25, T30N, R22W
THE EAST 30' OF THE E 1/2 NE 1/4 Sec 26, T30N, R22W (IF APPLICABLE)

A map showing the location of the road proposed to be abandoned is attached.

For such purposes, we do hereby respectfully state to the Board of County Commissioners as follows:

- 1) Flathead County, Montana, is not divided into road districts and the whole of County constitutes and comprises one road district.
- 2) Petitioners are resident freeholders of Flathead County, Montana, taxable therein for road purposes;
- 3) The public roadway sought to be abandoned and discontinued is within Flathead County and is not within a unincorporated town or town site;
- 4) Check one:

____ As required by M.C.A. Section 7-14-2615(3), the county road which this petition requests to be abandoned does not provide access to any public land or water.

☒ As required by M.C.A. Section 7-14-2615(3), the county road which this petition requests to be abandoned does provide access to public land or water in the WEST VALLEY area but the WHITEFISH VILLAGE DR. Road, which is a public road, provides substantially the same access to that public land or water, because:

- AS APPROVED BY THE PRE PLAT OF WHITEFISH HILLS VILLAGE, A NEW ROAD HAS BEEN BUILT TO ACCESS PREVIOUSLY NON ACCESSABLE LAND TO THE SOUTH. THE ROAD HAS BEEN RE-LOCATED & DEDICATED ON PLAT 4 OF WFH VILLAGE.
- 5) Check one:

____ As required by M.C.A. Section 7-14-2615(4), the county road which this petition requests to be abandoned does not provide access to any private land.

THIS ROAD CURRENTLY IS NOT BUILT ON THE DEDICATED 65 MT.

____ As required by M.C.A. Section 7-14-2615(4), the county road which this petition requests to be abandoned provides access to two or more landowners and all of the landowners to whom the county road provides access have affirmatively agreed to the abandonment by either signing this petition or by signing a letter to the commissioners stating their agreement to the abandonment.

Wherefore, your Petitioners pray that this Petition be set for hearing as provided by law and that, upon hearing, the Board of County Commissioners make and enter into its order vacating and discontinuing said portion of the public roadway above described.

DATED this 31 day of AUG, 20 19.

Signature

Printed Last Name

Address

- | | | | |
|------------------------|---------------------------------|---|------------------------------|
| 1) <u>[Signature]</u> | <u>GRS LLC</u> | <u>SANDS</u> | <u>1313 Austin X-Rd C.F.</u> |
| 2) <u>[Signature]</u> | <u>Reed</u> | <u>1127 Col. Mtn. Rd. CF</u> | |
| 3) <u>[Signature]</u> | <u>Brien</u> | <u>350 Breezy Pt Somers</u> | |
| 4) <u>[Signature]</u> | <u>HENSLEY</u>
<u>CHELOT</u> | <u>46 MEADOWLARK DR. KALISPEL</u>
<u>1325 Austin X-Rd C.F.</u> | |
| 5) <u>[Signature]</u> | <u>Eckert</u> | <u>55 Fawn Ridge Ln, Kalispel</u> | |
| 6) <u>[Signature]</u> | <u>[Signature]</u> | <u>259 Northland Dr. Kal</u> | |
| 7) <u>[Signature]</u> | <u>ECKERT</u> | <u>55 FAWN RIDGE LN KAL.</u> | |
| 8) <u>[Signature]</u> | <u>ROSS</u> | <u>219 FOX HILL DRIVE, KALISPEL</u> | |
| 9) <u>[Signature]</u> | <u>CHELOT</u> | <u>1325 AUSTIN X-RD, C-Falls</u> | |
| 10) <u>[Signature]</u> | <u>CHELOT</u> | <u>1325 AUSTIN X-RD C-FALLS</u> | |
| 11) <u>[Signature]</u> | <u>Cummings</u> | <u>218 Blackmer Ln C-Falls</u> | |
| 12) <u>[Signature]</u> | <u>Foley</u> | <u>178 Cheviot Loop, Kalispel</u> | |

TEN SIGNATURES OF PROPERTY OWNERS WITHIN THE COUNTY ARE REQUIRED TO
MAKE THIS PETITION VALID

DEC - 2 2020
SEP - 5 2019



By: SANDS SURVEYING, Inc.
2 Village Loop
Kaliispell, MT 59901
(408) 766-0481

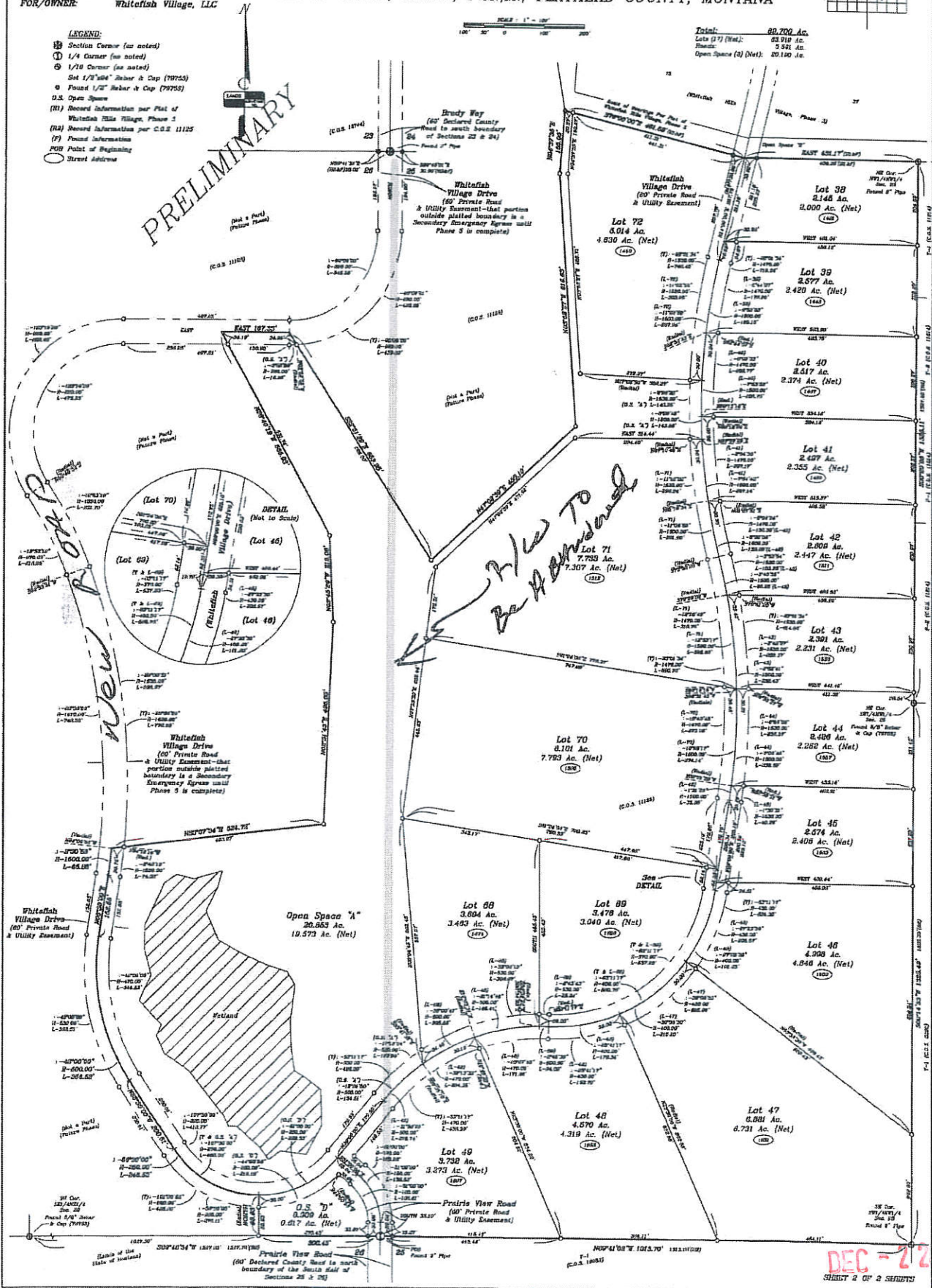
JOB NO: 00768 (in 00730)
DRAWING DATE: May 2, 2019
COMPLETED DATE:
FOR/OWNER: Whitefish Village, LLC

Plat of WHITEFISH HILLS VILLAGE, PHASE 4

A Subdivision Located In
SW1/4SW1/4 SEC. 24, W1/2NW1/4 SEC. 25, & E1/2NE1/4 SEC. 26,
ALL IN T.30N., R.22W., P.M., M., FLATHEAD COUNTY, MONTANA

LEGEND:

- Section Corner (as noted)
- 1/4 Corner (as noted)
- 1/16 Corner (as noted)
- Set 1/2" x 1/2" Rebar & Cap (79755)
- Open Space
- Record Information per Plat of Whitefish Hills Village, Phase 3
- Record Information per C.O.S. 11125
- Point of Beginning
- Street Address



Keywords: *workplace spirituality, organizational commitment, organizational citizenship behaviors, organizational trust, organizational identification*

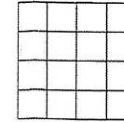
The map displays a complex land management plan. Key features include:

- Parcel Identification:** Numerous numbered parcels (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100).
- Road Network:** Major roads shown include JULIUS ROSS RD, ST. JOHNS RD, and BOMDIE TRAIL.
- Land Use Designations:** Areas labeled "TIMBERS AT WHITEFISH" and "TIMBERED OPEN SPACE" indicate specific land uses or ownership.
- Infrastructure:** Features like "OPEN SPACE A", "OPEN SPACE B", "OPEN SPACE C", and "BOMDIE TRAIL" suggest recreational or undeveloped areas.
- Grid System:** A coordinate system using letters (A-E) and numbers (1-6) is overlaid on the map for reference.

SEP - 5 2019

26 30 22

SCALE 1" = 400'



THIS MAP IS PREPARED ONLY FOR THE ADMINISTRATIVE USE OF FLATHEAD COUNTY AND IS NOT NECESSARILY AN ACCURATE REPRESENTATION OF THE LOCATION OR EXISTENCE OF TRACTS OF RECORD, THEIR BOUNDARIES OR EASEMENTS AND ROADWAYS.

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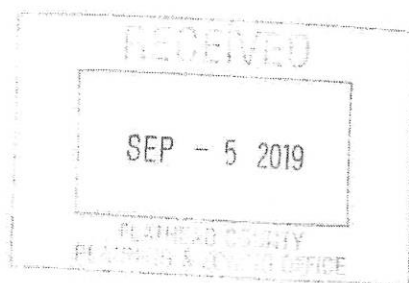
04/18/2017

DEC - 2 2003

SEP - 5 2017



Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



FINAL PLAT APPLICATION

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 1965.00

SUBDIVISION NAME: Whitefish Hills Village, Phase 4

OWNER(S) OF RECORD:

Name: Whitefish Hills Village, LLC Phone: (406)755-6481 (Tom S

Mailing Address: 426 2nd Avenue East

City, State, Zip: Kalispell, MT 59901

Email: _____

TECHNICAL/PROFESSIONAL PARTICIPANT(S):

1. Name: Sands Surveying, Inc., Attn: Eric Mulcahy Phone: (406) 755-6481

Mailing Address: 2 Village Loop

City, State, Zip: Kalispell, MT 59901

Email: eric@sandssurveying.com

2. Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

Date of Preliminary Plat Approval: 8/18/11

Name of Preliminary Plat: Whitefish Hills Village

Preliminary Plat FCPZ File #: FPP-11-01

Type of Subdivision: Residential ☒ Industrial _____ Commercial _____ PUD ☒ Other _____

No. of Lots Proposed 17 Lots Parkland (ac.) 20.190 gross Acres in Roads 5.591

Land in Project (ac.) 89.700 Cash-in-Lieu \$ N/A Acres in Lots 63.919 net

Legal Description: Section 24, 25, & 26 Township 30N Range 22W Exempt No

All applicable items required by Appendix E: Contents of the Final Plat of the Flathead County Subdivision Regulations must be submitted with the application for final plat.

Attached Not Applicable

(MUST CHECK ONE)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	MT DEQ Certification & Health Department Certification (Original)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Title Report (Original, not more than 90 days old)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Tax Certification (Property taxes must be paid)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Consent(s) to Plat (Originals and notarized)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Subdivision Improvements Agreement (Attach collateral)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parkland Cash-in-Lieu (include Check payable to Flathead County)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Maintenance Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copies of any deed restrictions relating to public improvements
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copies of Articles of Incorporation & Bylaws for any Property Owner's Assoc.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Road User's/Road Maintenance Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approach Permit(s) (when a new road accesses onto state highway only)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Certification by Fire District/local fire control authority (high/extreme areas only)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plats: 2- "24 X 36" mylars (or 1-"24 X 36" mylar and 1-"24 X 36" opaque)
		1- "24 X 36" paper copy
		1 - "11 X 17" paper copy

The plats must be signed by all owners of record, the surveyor, and examining land surveyor.

A cover letter that lists each condition of preliminary plat approval and individually states how each condition has specifically been met, MUST be included upon submitting the final plat application. In cases where documentation is required, such as an engineer's certification, State Department of Health certification, etc., original letters shall be submitted. Blanket statements stating, for example, "all improvements are in place" are not acceptable.

A complete final plat application for a **major** subdivision must be submitted no less than **45 working days** prior to expiration date of the preliminary plat.

A complete final plat application for a **minor** subdivision must be submitted no less than **30 working days** prior to expiration date of the preliminary plat.

When all application materials are submitted, and the staff finds the application is complete, staff will submit a report to the governing body. Incomplete submittals will not be accepted and will not be forwarded to the governing body for approval. Changes to the approved preliminary plat may necessitate reconsideration by the Planning Board.

I certify that all information submitted is true, accurate and complete. I understand that incomplete information will not be accepted and that false information will delay the application and may invalidate any approval. The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during the approval and development process.

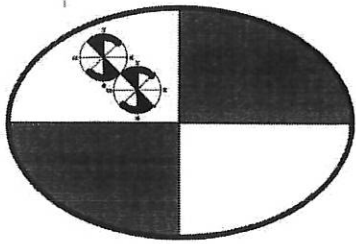
Donald Murray
Owner(s) Signature

9/3/2019
Date

****NOTE: Please be advised that the County Clerk & Recorder requests that all subdivision final plat applications be accompanied with a digital copy.**

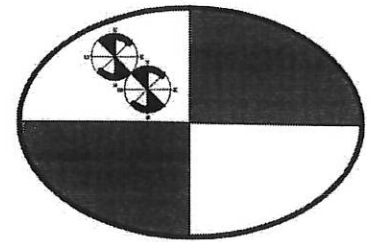
A digital copy of the final plat in a Drawing Interchange File (DXF) format or an AutoCAD file format, consisting of the following layers:

1. Exterior boundary of subdivision
2. Lot or park boundaries
3. Easements
4. Roads or rights-of-way
5. A tie to either an existing subdivision corner or a corner of the public land survey system



SANDS SURVEYING, INC.

2 Village Loop Road
Kalispell, MT 59901
406-755-6481
Fax 406-755-6488



September 5, 2019

Flathead County Planning and Zoning Office
1035 1st Avenue West
Kalispell, MT 59901

RE: Final Plat submittal for Whitefish Hills Village, Phase 4

Dear Planning Office:

This cover letter is intended to give an overview of the conditions of approval for Whitefish Hills Village, Phase 4 and the supporting documentation for meeting the Conditions of Preliminary Plat Approval. The Flathead County Commissioners granted preliminary plat and PUD approval on August 18, 2011. Final Plat for Phase 1 was granted by the County Commissioners on October 26, 2016. Final Plat of Phase 2 was granted on January 16, 2018. Final Plat of Phase 3 was granted on September 11, 2018.

The applicant is submitting an SIA for the paving of the interior roads. All of the other improvements are in place we just want the road base to settle over the winter before paving in the spring. The SIA is in the amount of \$128,750.00 which is 125% of the remaining costs.

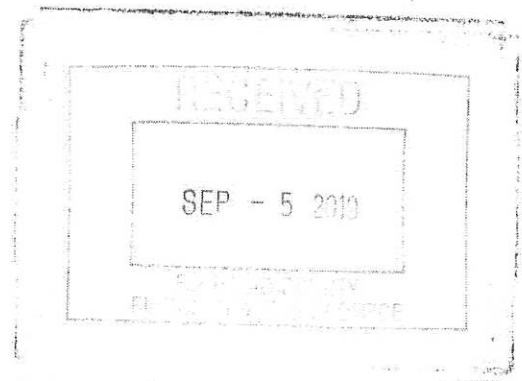
To address condition #24, we are including the request for abandonment of the unconstructed portion of Brady Way as Phase 4 and next Phase 5 will dedicate the new Brady Way Alignment as a public easement. However maintenance of the new road will fall to the Whitefish Hills Village HOA as stated in the preliminary plat.

The conditions of the preliminary plat are as follows:

Condition #1 – The subdivider shall receive physical addresses in accordance with Flathead County Resolution #1626B. All road names shall appear on the Final Plat. Street addressing shall be assigned by Flathead County:

This condition is met. The road names and addresses appear on the face of the final plat as they were assigned and approved by the Flathead County GIS Department.

Condition #2 – The applicant shall show proof of a completed approach permit from the Flathead County Road Department indicating the approach for the Whitefish Village Drive onto Steele Lane has been built and received final inspection and final approval.



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This condition is not applicable because Stelle Lane is not a County Road. This condition was addressed in Phase 1.

Condition #3 – The applicant shall comply with reasonable fire suppression and access requirements of the West Valley Fire District and the Whitefish Rural Fire District. A letter from each fire chief stating that the plat meets the requirements of the fire district (or department) shall be submitted with the application for final plat.

This condition is met however there must have been a typo in the condition statement because this subdivision is not within the West Valley Fire District; it is only within the Whitefish Fire Service Area. Travis Tveidt, Fire Marshall for the Whitefish Fire Service Area, inspected the subdivision and concluded the development meets their standards. (See letter from Travis Tveidt dated July 11, 2019).

Condition #4 – All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat.

This condition is met. See attached Weed maintenance plan.

Condition #5 – All internal subdivision roads shall be designed and constructed in accordance with the Flathead County Road and Bridge Department's Minimum Standards for Design and Construction; construction plans and 'As-Built' drawings for all roads shall be designed and certified by a licensed engineer and provided to the Road and Bridge Department prior to the final plat application.

This condition is met. See Letter from Paul Wells, PE, WMW Engineering stating that all improvements are in and built to County Standard.

Condition #6 – With the application for final plat, the applicant shall provide a mechanism for the long term maintenance of the internal subdivision road proposed, either by establishing an approved road users agreement or a property owners association as part of the Conditions, Covenants, and Restriction (CC&R's), requiring each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision.

This condition has been met. Please refer to the attached CC&R's, Section 2.4, Section 4.4 and Article VI.

Condition #7 – The proposed water, wastewater treatment and stormwater drainage systems for the subdivision shall be reviewed, as applicable, by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality.

This Condition has been met. Please refer to the attached Montana Department of Environmental Quality document E.Q. #15-1300.

Condition #8 – The mail delivery site shall be provided with the design and location approved by the local Postmaster of the U.S. Postal Service. A letter from the Postmaster stating that the applicant has met their requirements shall be included with the application for final plat.

This condition is met. See letter from the Whitefish Postmaster dated August 19, 2016. The mailboxes were constructed in Phase 1.

Condition #9 – A bus stop shall be provided along Stelle Lane, the location and construction of which shall meet the requirements of the District as specified herein. The location of the bus stop shall be shown on the face of the final plat, and a letter from the District stating that the applicant has met their requirements shall be included with the application for final plat.

This condition is met. There is currently a bus stop at the intersection of Stelle Lane and Highway 93. The School District wants to continue using the existing bus stop until such time as that reaches capacity and then they will look for a second stop that makes sense for the most number of riders. (See attached email from Dale Duff of Rocky Mountain Transportation). Compliance with this condition was accepted by the County Commissioners with Phase 1-3.

Condition #10 – In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision and stipulating whether pickup will be curbside or at a centralized location within the subdivision, and if so designating where that centralized area will be located and how it will meet the screening and wildlife standards outlined in the applicable regulations..

This condition is met. See note at bottom of Sands Surveying letter approved by Tom Gordon of North Valley Refuse.

Condition #11 – The following statements shall be placed on the face of the final plat applicable to all lots:

- a. All utilities shall be placed underground.
- b. Solid waste removal for all lots shall be provided by a contracted solid waste hauler.
- c. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed.
- d. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities

This condition is met. The notes appear on the face of the final plat.

Condition #12 – All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number.

This condition is met. The road names were approved by the Flathead County GIS department. Road name signs are in place.

Condition #13 – All utilities shall be placed underground.

This condition has been met. The utilities are in place and are underground

Condition #14– The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities.

This condition is met. See signed Dust and Air Pollution Control Plan

Condition #15 – The final plat shall comply with state surveying requirements.

This condition is met. The plat has been reviewed and approved by the County Surveyor.

Condition #16 – Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction.

This Condition is met. Please see signature page of the SWPPP attached to this submittal.

Condition #17 – All required improvements shall be completed, in place, or a Subdivision Improvement Agreement (SIA) shall be provided by the subdivider prior to final approval by the County Commissioners.

This condition is met. The applicant is submitting an SIA for the remaining improvement which is the pavement.

Condition #18 – The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions.

This condition is met. The final plat is in substantial compliance with the plat and plans that were submitted for preliminary plat review. There have been no changes from the original plan.

Condition #19 – Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timelines.

This condition is met as the Preliminary Plat Approval was granted on August 18, 2011 and final plat of Phase 1 was granted in October 26, 2018, final plat of Phase 2 was granted on January 16, 2018, final plat of Phase 3 was granted in September 11, 2018 so Phase 4 will not expire until September 11, 2021 (FSR 4.4.2(d)).

Condition #20 – The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.

The phasing plan is being followed with the final plat application submittal of Whitefish Hills Village, Phase 4.

Condition #21 - Prior to the final plat approval of Whitefish Hills Village, the applicant shall provide evidence that all applicable permit requirements of the Department of Natural Resources Water Resource Division for the public water supply proposed have been met.

This condition is met. See attached Permit to Appropriate Water; Water Right # 76LJ 30070830

Condition #22 – A 10-foot bike/pedestrian easement shall be shown on the face of the final plat along both sides of Steele Lane in accordance with applicable regulations

This condition was met in Phase 1. The easements are shown on the final plat of Phase 1.

Condition #23 – A total of 151 acres (minimum) of land shall be dedicated as open space and maintained by the Homeowners Association in accordance with the provisions of Section 4.7.24(d)(i) and (ii) FCSR, and shall be designated on the face of the final plat. The dedication of the open space may be made over the course of five phases of development, in accordance with the proposed phasing plan submitted with the application materials.

This condition is met. The applicant dedicated 45.015 gross acres of open space with Phase 1; 71.56 acres of open space with Phase 2; 4.834 acres of open space with Phase 3, and 20.190 acres with Phase 4 for a total of 141.59 acres all as proposed with the phasing plan submitted with the preliminary plat. The remaining open space will follow with Phases 5.

Condition #24 – The existing County Road easement for Brady Way shall be abandoned along the boundary between Tract 4 in Section 25 and Tract 4 in Section 26 and realigned as shown on the preliminary plat and proposed by the applicant. Brady Way shall be constructed to County Road and Bridge standards and paved in accordance with the subdivision regulations from the intersection of Brady Way and Steele Lane south to the Boundary between Section 23 and Section 26, Township 30 North, Range 22 West, as proposed by the applicant. All subdivision roads, including the realignment of Brady Way, shall be designated public access easements and required by the Flathead County Subdivision Regulations.

A request for Road Abandonment is included with this application as a portion of Brady Way will be constructed and dedication with Phase 4. This condition will be completed in Phase 5. As stated in the phasing plan, at the completion of Phase 4, the developer will realign Brady way and construct it to County Standards for a gravel road to serve as secondary emergency egress until Phase 5 when Brady Way will be paved to County Standards. Brady Way is currently constructed to County Gravel Road standards and the portion of the road in Phase 4 will be paved per the attached Subdivision Improvements Agreement.

Condition #25 – The Fire Prevention Control and Fuels Reduction Plan submitted with the preliminary plat application shall be implemented prior to the approval of the final subdivision plat, in accordance with the proposed plan. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for each phase of development.

This condition is met. Travis Tveidt, Fire Marshall for the Whitefish Fire Service Area, inspected the subdivision and concluded the development meets their standards. (See letter from Travis Tveidt dated July 11, 2019)

Condition #26 – The proposed water supply for fire suppression onsite shall meet all applicable requirements set forth in Section 4.7.27(d) of the Flathead County Subdivision Regulations.

This condition is met. The water system contains 120,000 gallon storage tank, two large wells, a distribution system for both domestic and fire flow, and a series of fire hydrants. (See letter from Travis Tveidt dated July 11, 2019)

Condition #27 – Stop signs shall be installed at the intersection of Whitefish Village Drive and Stelle Lane, at the intersection of Meadow View Court and Whitefish Village Drive, to ensure safe and efficient traffic flow from and within the proposed subdivision.

This condition is met. Stop signs and road name signs are up.

Condition #28 – Trash bins and other refuse containers should be wildlife (bear) proof and kept in a centralized location to limit potential conflicts with wildlife.

This condition somewhat contradicts condition #10. We received approval from the North Valley Refuse for curbside pick-up. Although the letter references Phase 1, the comment at the bottom of the letter refers to the whole subdivision. The CC&R's Section 7.20 addresses bear-proof containers. The County Commissioners confirmed that a centralized refuse location is not a requirement when they approved Phase 1.

Condition #29 – The following statement shall be shown on the face of the final plat:

- e. This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur.

- f. Only Class A and Class B fire-rated materials are allowed.
- g. Fire-wise defensible space standards shall be incorporated around all primary structures and improvements.
- h. All road names are assigned by the Flathead County Address Coordinator. House numbers shall be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in height.

This condition has been met. Please refer to the face of the final plat for this notation.

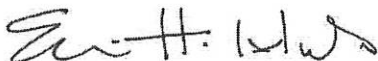
Condition #30 – The following statement shall be placed on the face of the final plat:

Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that **feeding big game is illegal**. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing and removing food sources.

This condition is met. The note appears on the face of the Final Plat.

Attached within this final plat application package is a platting report from Sterling Title, tax certification, application fee and signature. Should you have any questions regarding this final plat application, please contact me at 755-6481.

Sincerely,



Eric H. Mulcahy, AICP
Sands Surveying Inc.

Attachments: Final Plat Application and check
Cover letter
Flathead County Road Abandonment form and attachments.
Letter of Credit, Glacier Bank for \$128,750.00
Subdivision Improvements Agreement
Paul L Wells, Engineering Certification letter (8/13/19)
Soil Disturbance and Weed Management Plan (9/1/16)
Flathead County Approach Permit (Not complete as Stelle Lane is a Private Road)
Declaration of Annexation (Annexing Phase 4 to the Whitefish Hills Village
CC&R's)
CC&R's/HOA Documents
MDEQ Approval #15-1300 (5/11/15)
Permit to Appropriate Water #76LJ 30070830
North Valley Refuse (Signed bottom of Sands Letter on 8/19/16)

Dust Abatement Plan

MDEQ NOI for General Permit #MTR105874

Whitefish Fire Department Letter – Travis Tveidt (7/11/19)

DNRC Certification of Clearance (Fuels Reduction)

Email from Rocky Mountain Transportation (Bus Stop 9/2/16)

USPS Letter (8/19/16)

Platting Certificate – Fidelity National Title Company; Guarantee # FT 1585-

191947 dated 8/1/19

Consent to Plat, Glacier Bank (8/9/19)

Tax Certificate (8/13/19)

ATTORNEY REPORT

To: Flathead County Commissioners

From: Caitlin Overland, Deputy Flathead County Attorney

Re: Petition to Abandon County Road #507, a portion of Brady Way

Date: September 30, 2019

This petition requests to discontinue the part of Brady Way described as the West 30' of the W ½ NW ¼ Sec. 25, T30N, R22W and the East 30' of the E ½ NE ¼ Sec 26, T30N, R22W. This is an undeveloped right-of-way that runs north to south for the length of the section. On the application, the applicant lists "the east 30' of the E ½ NE ¼ Sec 26, T30N, R22W (if applicable)." I confirmed with the Plat room that the east 30' is in fact a declared county ROW and therefore needs to be included in this petition. The ROW is bordered on the east and west by land owned by Whitefish Village LLC.

On September 26, 2019, Dave Prunty and I made a visit to the road site. We attempted first to drive from the south via Prairie View Drive, an unmaintained county road. We were able to drive part way up to the south before the debris from a logging operation blocked further travel. Then, we approached from the north via Brady Way which was designated "private" but had been recently been graded in preparation for paving. We drove until we reached a "no trespassing" sign in the middle of the road. We were not able to observe much from the ground as the ROW is undeveloped and the area is heavily wooded. Aerial photographs provide a much better view.

The developer, as part of the final plat for Whitefish Hills Village Phase 4, will construct a spur road at the south end of the section to connect Prairie View Lane to Whitefish Village Drive. This will provide access to the subdivision from the south.

Sec. 7-14-2602, M.C.A. provides the general content requirements of any petition to establish, alter, or abandon a county road. The petitioners have met the general conditions required for a road abandonment petition.

Pursuant to § 7-14-2615, M.C.A., the board may not abandon a county right-of-way if it provides access to public land or waters. Moreover, the board may not abandon the right-of-way if it is used to access private land unless all the landowners agree to the abandonment. Neither of these criteria apply because the ROW does not provide access to public land and the private landowners whose land borders the ROW support the petition for abandonment.

I recommend the Board grant Road Abandonment Petition #507 because it meets statutory criteria and the public currently derives no benefit from the ROW as it is undeveloped and a new subdivision road will provide similar access. Please contact me with any questions.

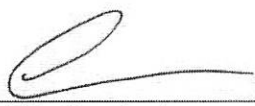

Caitlin Overland
Deputy County Attorney

Exhibit 8

DEC - 2 2020



FLATHEAD COUNTY PLAT ROOM/SURVEYOR'S OFFICE

800 South Main, Room 105, Kalispell, Montana 59901

Phone (406) 758-5510

Fax (406) 758-5519



MEMO

To: County Commissioners Holmquist, Mitchell & Brodehl;
County Administrator Mike Pence
From: Cindy Warnes, Plat Room Land Specialist
Date: September 16, 2019
Re: Petition to Abandon a portion of Brady Way
Road Abandonment #507

Pursuant to MCA 7-14-2615 (Abandonment or Vacation of County Roads), the Flathead County Plat Room/Surveyor's Office has reviewed the attached petition to abandon a portion of Brady Way and has determined the following:

- There are a total of 12 valid signatures on the petition.
- There are a total of 2 adjoining landowners to the portion of the road requested to be abandoned.
- A list of adjoining landowners including names and addresses is attached to this letter.

Please do not hesitate to contact me with any questions.

Sincerely,

Cindy Warnes, Plat Room Land Specialist

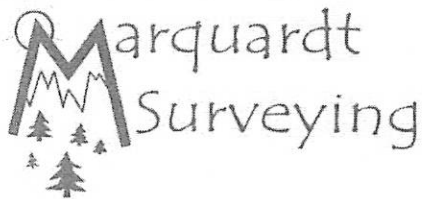
Exhibit 9

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Adjoining Landowner List

ASSR #	Ownership Name	Mailing Address	Physical Address
0980442	Whitefish Village LLC	426 2nd Ave E Kalispell MT 59901	None

DEC - 2 2020



201 3rd Ave. West
Kalispell, MT 59901
info@mmsurvey.net
P (406) 755-6285
F (406) 755-3055

TO: Flathead County Commissioners
800 South Main Street
Kalispell, Montana 59901

October 11, 2019

FROM: Board of Viewers

SUBJECT: Road Abandonment No. 507

Dear Commissioners:

Philip Mitchell, Flathead County Commissioner and Dawn Marquardt, Examining Land Surveyor for Flathead County, comprising the Board of Viewers, viewed the following roadway requested for abandonment in October 2019.

DESCRIPTION

The West 30' of the Northwest ¼, Section 25, Township 30 North, Range 22 West & the East 30' of the Northeast ¼, Section 26, Township 30 North, Range 22 West, Flathead County, Montana.

We found upon viewing:

- 1.) The right of way is undeveloped
- 2.) The right of way does not provide access to any public land or water.
- 3.) All of the property owners that would be directly affected by the abandonment of the right of way have signed the petition.

We recommend approval of the petition for the abandonment of the above described right of way.

Sincerely,

Philip Mitchell
County Commissioner

Dawn Marquardt
Examining Land Surveyor

Exhibit 10

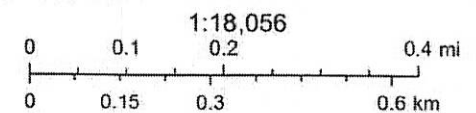
DEC - 2 2020

Flathead County Map



10/11/2019, 10:28:19 AM

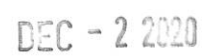
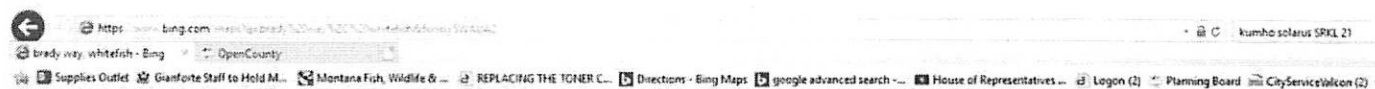
- | | | | |
|-----------------------|--------------------------|----------------------------|----------------------|
| Parcels | Section | State or Secondary Highway | Driveways or Alleys |
| BPA Transmission Line | Adjacent County Highways | All Roads | Forest Service Roads |
| | US Highway | | |



Flathead County, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User

Flathead County

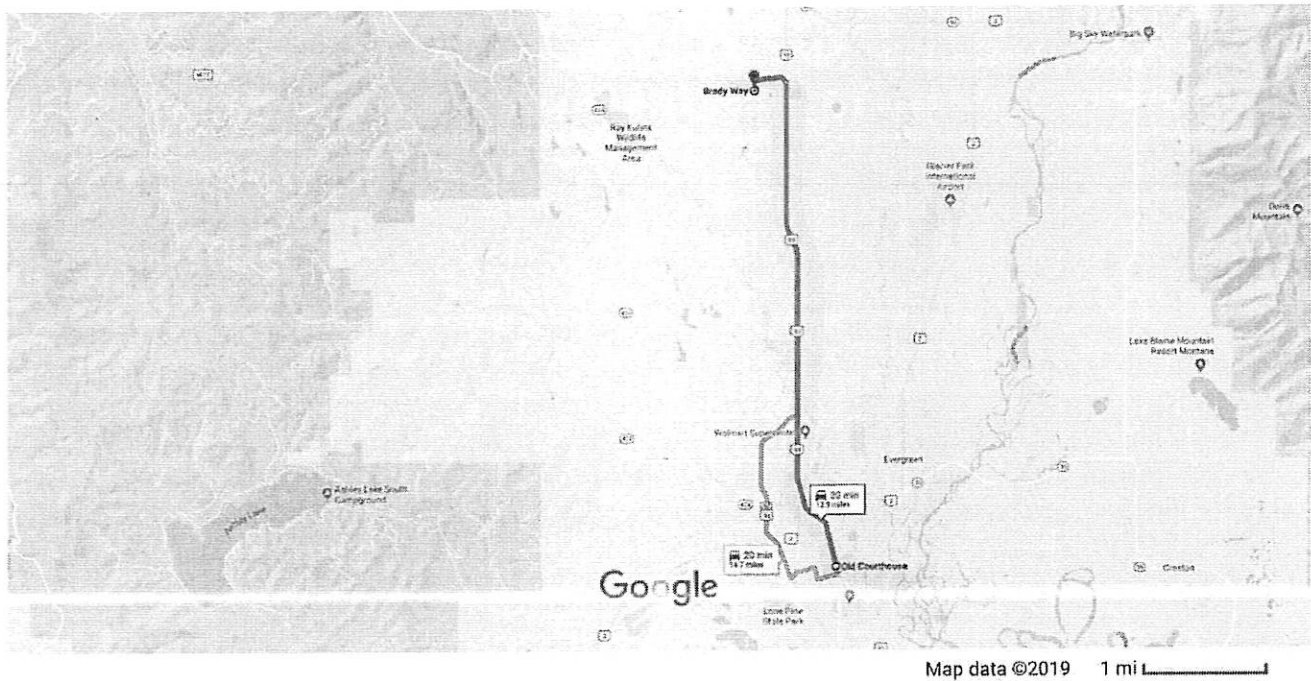
U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office. | Flathead County | USDA FSA, DigitalGlobe, GeoEye, CNES/Airbus DS |



Google Maps

Old Courthouse to Brady Way, Montana 59937

Drive 12.9 miles, 20 min



via U.S. 93 S and US-93 N
Best route now due to traffic
conditions

20 min
12.9 miles

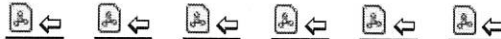
via US-93 and US-93 N

20 min
14.7 miles

Explore Brady Way

Restaurants Hotels Gas stations Parking Lots More

09:29:49 AM (00:19:38)



A) PUBLIC HEARING: ROAD ABANDONMENT NO. 507 / PORTION BRADY WAY ROW

Present: Chairman Pro-Tem Holmquist, Commissioner Brodehl, Administrator Pence, Clerk Albertson, Public Works Director Dave Prunty, Deputy County Attorney Caitlin Overland, Planner Rachel Ezell, and Tom Sands and Eric Mulcahy with Sands Surveying

Deputy County Attorney Caitlin Overland reviewed the petition to abandon the undeveloped right-of-way (ROW) on a portion of Brady Way in Whitefish. This easement is between Tract 4 of Section 23 and Tract 4 of Section 26, and all affected landowners have signed the petition. This abandonment is a condition of approval of final plat for the Whitefish Hills Village, Phase 4 subdivision. The developer will provide similar access in the Whitefish Hills Village, Phase 4 subdivision with a newly constructed roadway, which will be called Whitefish Village Drive.

09:30:55 AM (00:20:45)

Motion to approve Road Abandonment No. 507

Motion: Commissioner Brodehl / Second: Chairman Pro-Tem Holmquist

09:31:09 AM (00:21:00)

Chairman Pro-Tem **opened the public hearing.**

09:31:25 AM (00:21:15)

Chairman Pro-Tem Holmquist asked for the **third and final time** if anyone wished to speak.

09:31:34 AM (00:21:24)

Seeing no one rising, Chairman Pro-Tem Holmquist **closed the public hearing.**

09:31:37 AM (00:21:27)

Motion on the floor...

Aye – Chairman Pro-Tem Holmquist and Commissioner Brodehl

Motion carried by quorum

09:31:56 AM (00:21:39)

B) FINAL PLAT: WHITEFISH HILLS VILLAGE, PHASE 4



Present: Chairman Pro-Tem Holmquist, Commissioner Brodehl, Administrator Pence, Clerk Albertson, Public Works Director Prunty, Planner Ezell, and Tom Sands and Eric Mulcahy with Sands Surveying

This is the fourth phase of a five-phase subdivision on two tracts of land totaling 89.7 acres. There are 17 clustered single family residential lots and just over 20 acres of open space included in the subdivision. Planner Rachel Ezell noted that the final plat establishes Whitefish Village Drive. There is a subdivision improvement agreement (SIA) for \$128,750.00 in paving, which will be fully-completed by July 1, 2020.

09:33:44 AM (00:23:26)



Motion to approve the SIA for \$103K for paving the roads within Phase 4 at \$128,750 for 125% of the cost

Motion: Commissioner Brodehl / Second: Chairman Pro-Tem Holmquist

Aye – Chairman Pro-Tem Holmquist and Commissioner Brodehl

Motion carried by quorum

Exhibit 11

09:34:08 AM (00:23:51)



Motion to approve Final Plat: Whitefish Hills Village, Phase 4
Motion: Commissioner Brodehl / Second: Chairman Pro-Tem Holmquist
Aye – Chairman Pro-Tem Holmquist and Commissioner Brodehl
Motion carried by quorum

10:00:34 AM (00:24:07)

A) DOCUMENT FOR SIGNATURE: 406 FINANCIAL SERVICES, LLC AGREEMENT / AOA

Present: Chairman Pro-Tem Holmquist, Commissioner Brodehl, Administrator Pence, Clerk Albertson, Public Works Director Prunty, Accountant Chris Maestas, AOA Assistant Director Beth Richardson, and District Court Administrator Devin Kuntz

This is an updated annual agreement for the Veteran Directed Care Program. Agency on Aging (AOA) Assistant Director Richardson reviewed the contract changes, which include an increase of \$5.00 per month to 406 Financial Services, LLC for each veteran enrolled in the program. The company does all of the financial management, including the agency reporting.

Chairman Pro-Tem Holmquist noted there is not an end date listed on the document. The Commission would like to have this service contract presented annually with end dates.

10:05:10 AM (00:28:44)



Motion to approve the contract with AOA and 406 Financial Services, LLC
Motion: Commissioner Brodehl / Second: Chairman Pro-Tem Holmquist
Aye – Chairman Pro-Tem Holmquist and Commissioner Brodehl
Motion carried by quorum

10:05:46 AM (00:29:19)

B) DOCUMENT FOR SIGNATURE: REQUEST FOR DECLARATION OF SURPLUS PROPERTY / AOA

Present: Chairman Pro-Tem Holmquist, Commissioner Brodehl, Administrator Pence, Clerk Albertson, Public Works Director Prunty, AOA Assistant Director Richardson, and District Court Administrator Kuntz

The Agency on Aging is asking to surplus its 2004 Honda Element and send it to be auctioned. The vehicle is in fair to poor condition with 169K miles and has an estimated value of \$2.5K.

10:06:13 AM (00:29:46)



Motion to approve the declaration of surplus property for the AOA's 2004 Honda Element
Motion: Commissioner Brodehl / Second: Chairman Pro-Tem Holmquist
Aye – Chairman Pro-Tem Holmquist and Commissioner Brodehl
Motion carried by quorum

10:06:41 AM (00:30:14)

C) CONSIDERATION OF ACCEPTANCE OF DONATION: EAGLE TRANSIT

Present: Chairman Pro-Tem Holmquist, Commissioner Brodehl, Administrator Pence, Clerk Albertson, Public Works Director Prunty, AOA Assistant Director Beth Richardson, and District Court Administrator Devin Kuntz

This is the annual donation from Kalispell Regional Medical Center to support transportation to the Summit's after-school program for elementary school students with Eagle Transit.

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-09
BAKER 80
JULY 29, 2020

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a sixteen-lot residential subdivision, to be developed in four phases. The lots would be served by individual septic systems and wells. Access to each lot would be from a new internal subdivision road via Prairie View Road and Whitefish Village Drive.

B. Project Personnel

i. Owner/Applicant	ii. Tech. Representative #1	iii. Tech. Representative #2
GBSB Holdings, LLC	TD&H Engineering	Bruce Boody Landscape Architect
Scott Baker	Doug Peppmeier, P.E.	Bruce Boody
2619 Lidstone Street	450 Corporate Drive, Ste 101	301 East 2 nd Street, Ste 1B
Houston, TX 77023	Kalispell, MT 59901	Whitefish, MT 59937

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposal is not located within the jurisdiction of a land use advisory committee.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on August 12, 2020 at 6:00 P.M., remotely via WebEx. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board. The end of the 60-working day statutory review period is August 4, 2020, however, the applicant submitted a written waiver to the 60-working day statutory review period on July 7, 2020.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The proposed subdivision is comprised of four tracts of land which total 80.313 acres and can legally be described as follows:

Tract 1 of Certificate of Survey No. 19952, located in the Northwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 2 of Certificate of Survey No. 19952, located in the Northwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 1 of Certificate of Survey No. 19953, located in the Southwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Exhibit 12

Finding #2 – The proposed subdivision would have minimal impact on water, wastewater, and solid waste disposal services as the property is not located within a water and sewer district, the proposed subdivision would utilize individual wells and septic systems, the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality as applicable, and lots within the subdivision would utilize contract haul services for solid waste disposal.

c. Roads

Primary access to the subdivision is proposed from Whitefish Village Drive via Prairie View Road. Whitefish Village Drive is a paved, privately-maintained road within a 60-foot wide right-of-way and Prairie View Road is a gravel, County-maintained road within a 60-foot wide right-of-way. A new internal subdivision road, shown as “Baker Heights Drive” on the preliminary plat, is proposed off Prairie View Road to provide access to lots within the subdivision.

The application includes a draft road user’s agreement outlining maintenance provisions for roadways within the subdivision. However, Section 4.7.15(d) FCSR states, *“Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads, and a latecomer’s agreement, if applicable. The roads would be maintained in passable condition year round and each lot would be responsible for a pro-rata share of road maintenance costs.”* The applicant shall be required to submit a road user’s agreement which includes maintenance provisions for Whitefish Village Drive prior to final plat approval.

According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, single-family dwellings typically generate approximately 10 average daily trips (ADT). The subdivision would create 16 residential lots and would therefore add approximately 160 ADT to Whitefish Village Drive. Since Whitefish Village Drive is the proposed primary access to the subdivision, an increase in traffic along Prairie View Road as a result of the subdivision is only anticipated to occur on the relatively small, isolated portion between Whitefish Village Drive and Baker Heights Drive.

The internal subdivision road will be constructed to the Flathead County Road and Bridge standards. Since Whitefish Village Drive is a paved road, no offsite roadway improvements would be required. However, if the applicants cannot provide a road user’s agreement for Whitefish Village Drive, primary access to the proposed subdivision would be from Prairie View Road via KM Ranch Road. KM Ranch road is a paved, County-maintained road within a 60-foot wide right-of-way. Since Prairie View Road is an unpaved local road, offsite improvements would be required per FCSR Section 4.7.17(e) in accordance with the standard improvement formula described in Section 4.7.17(i)(ii). Based on the number of lots along this portion of Prairie View Road, the existing traffic count is approximately 70 ADT, thus 69.6% of this stretch of Prairie View Road would need to be paved. Staff calculated the offsite roadway improvement requirements from KM Ranch Road to the southern termination point of Baker Heights Drive, a distance of approximately

3,515 feet. The applicants would be required to pave 2,446 feet of Prairie View Road if primary access via Whitefish Village Drive is not granted.

The Flathead County Road and Bridge Department indicated no comments regarding the proposal. The applicant will be required to provide approach permits from the Flathead County Road and Bridge Department for the approaches onto Prairie View Road, prior to final plat approval.

Finding #3 – The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless a road user's agreement for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road.

d. Schools

The proposal is located in the Whitefish School District. According to the 2017 Census Data there are 48,741 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2019 states there are 16,422 students enrolled in County schools. The total students (16,422) divided by the total households (48,741) equals approximately 0.34 students per household. Therefore, twelve additional lots could generate approximately four school age children.

The Whitefish School District has seen a 19% increase in enrollment over the last ten years and a 3% increase between the 2018 and 2019 school years. No comment was received from the school district.

e. Mail Delivery

The application indicates centralized mailboxes will serve the proposed subdivision. The location of the mailboxes serving the proposed subdivision shall require review and written approval from the local postmaster as a condition of final plat approval and should meet the location requirements outlined in Section 4.7.28 FCSR.

f. Recreation

Pursuant to Section 4.7.24(a)(i) FCSR, parkland dedication is not required for subdivisions lots created that are greater than five gross acres in size. All sixteen lots within the subdivision are over five gross acres. The proposed subdivision abuts State Trust Land which would provide recreational opportunities.

The Flathead County Trails Plan does not designate Prairie View Road as a proposed trail, thus no easement is required for a pedestrian and bicycle path.

Finding #4 – Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately four students to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat

F. Review of Applicable Plans

76-1-605(2)(b) M.C.A states that *"A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter."* Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

1. Neighborhood Plan

The proposed subdivision is located in an area of Flathead County that is not within a neighborhood plan.

2. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was updated on October 12, 2012. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

G. Compliance with Local Zoning

The subject property is currently zoned 'SAG-5 Suburban Agricultural' and is located with the Blanchard Lake Zoning District. The minimum lot size within the SAG-5 zone is 5 acres. The proposed subdivision would result in sixteen residential lots that are a minimum of 5 acres in size.

Finding #17 – The proposed subdivision generally complies with the Flathead County Growth Policy and the Flathead County Zoning Regulations because the proposal conforms to the regulations used in the review of subdivisions in Flathead County and meets the bulk and dimensional requirements of the SAG-5 zoning designation.

V. SUMMARY OF FINDINGS

1. There would be minimal impact on agriculture and agricultural water user facilities as a result of the proposed subdivision because the property is not in agricultural production, has no irrigation infrastructure on site, is not in an irrigation district, and is not party to any irrigation agreements.
2. The proposed subdivision would have minimal impact on water, wastewater, and solid waste disposal services as the property is not located within a water and sewer district, the proposed subdivision would utilize individual wells and septic systems, the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality as applicable, and lots within the subdivision would utilize contract haul services for solid waste disposal. [Conditions 2, 9, 12]
3. The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to pave approximately

69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive unless a road user's agreement for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road. [Conditions 5, 6, 20, 21]

4. Impacts on local services with regard to schools, mail delivery and recreation would appear to be acceptable as the proposed subdivision would add approximately four students to the local school district, the applicant will be required to submit written approval from the local postmaster prior to final plat approval, and no parkland dedication or pedestrian and bicycle path easements would be required. [Condition 8]
5. Impacts from storm water runoff will be acceptable because storm water generated by impervious surfaces within the proposed subdivision will be accommodated via onsite ditches and drywells and the proposed storm water management plan will require review and approval through the Flathead City-County Environmental Health Department and Montana Department of Environmental Quality. [Conditions 2, 14]
6. Impacts on fire, emergency medical, and police services would be minimal with the imposition of conditions because the subdivision would be served by the Whitefish Rural Fire District and Flathead County Sheriff's Office in the event of an emergency, and the applicant will be required to implement an approved Fire Prevention, Control and Fuels Reduction Plan prior to final plat approval. [Conditions 3, 24, 25]
7. Impacts to noise and air quality are anticipated to be minimal with the imposition of conditions because impacts of noise from the residential development are not expected to extend beyond property lines, the primary access roads to the subdivision will be paved, and a Dust Control Plan will be required to mitigate potential issues of dust during construction. [Conditions 10, 12]
8. Impacts to public health and safety from high voltage electric lines, high pressure gas lines, or airport influence areas are not anticipated because no high voltage electric lines or high pressure gas lines are located on the subject property and the property is not located within an airport influence area.
9. No impacts from soils and geological and avalanche hazards are anticipated because soil types on the subject property appear suitable for development and there is no evidence of unstable soils, rock outcroppings, falls or slides on the property.
10. Impacts to the natural environment as a result of the proposed subdivision are expected to be minimal because the applicant will be required to provide an approved Weed Control Plan prior to final plat approval and the subject property does not contain wetlands, riparian areas, or floodplain. [Conditions 4, 12]
11. The proposed subdivision may impact local wildlife and wildlife habitat as fourteen species of concern are associated with the area, however, the relatively large lots sizes would allow for the preservation of wildlife habitat.
12. The proposed subdivision would not adversely impact historical features because there are no known historical, archeological, or cultural sites on the subject property.

13. The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval. [Condition 13]
14. The proposed subdivision has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 3, 2018.
15. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations. [Condition 13]
16. The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it, with the imposition of conditions, because Whitefish Village Drive and Prairie View Road would provide access to the subdivision and the proposed internal subdivision road would provide access to each lot. [Conditions 5, 6, 20, 21, 22, 23]
17. The proposed subdivision generally complies with the Flathead County Growth Policy and the Flathead County Zoning Regulations because the proposal conforms to the regulations used in the review of subdivisions in Flathead County and meets the bulk and dimensional requirements of the SAG-5 zoning designation.

VI. CONCLUSION

In accordance with the provisions of Section 4.3 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Flathead County Planning and Zoning Office. The proposed subdivision appears to generally comply with the subdivision review criteria found in Section 4.7 FCSR, pursuant to the draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditional of approval. Should the Flathead County Board of Commissioners choose to grant preliminary plat approval of this subdivision, the following draft conditions should be considered to supplement the decision and mitigate impacts anticipated as a result of the subdivision.

VII. CONDITIONS OF APPROVAL

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Sections 4.7.16(g)(iv), 4.7.26(c) FCSR]
2. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR and Finding of Fact (FOF) 2, 5]
3. The developer shall comply with reasonable fire suppression and access requirements of the Whitefish Rural Fire District. A letter from the fire chief stating that the plat meets

the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b) FCSR and FOF 6]

4. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25 FCSR and FOF 10]
5. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR and FOF 3]
6. With the application for final plat, the developer shall provide a compliant Road User's Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR and FOF 3, 16]
7. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28 FCSR and FOF 4]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22 FCSR and FOF 2]
10. The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 7]
11. All road names shall be approved by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c) FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23 FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust Control Plan during and after site construction and development activities. [Section 4.7.14 FCSR and FOF 7]

- d. Solid waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22 FCSR and FOF 2]
- e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [Section 4.7.25 FCSR and FOF 10]
- 13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i) M.C.A. and FOF 13, 15]
- 14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.) and FOF 5]
- 15. All required improvements shall be in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16 FCSR]
- 16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13 FCSR]
- 17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

- 18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 FCSR; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase. [Section 4.4.2 FCSR].
- 19. Prior to final plat approval the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR, FOF 2]
- 20. Prior to final plat approval, the applicant shall provide approach permits from the Flathead County Road and Bridge Department for the approaches onto Prairie View Road. [Section 4.7.16 FCSR and FOF 3, 16]
- 21. Prior to final plat approval, the developer shall provide a compliant Road User's Agreement or CC&Rs document which requires each property owner to bear his or her pro-rata share for maintenance of Whitefish Village Drive, unless the applicant improves 2,124 feet of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, which shall be certified by a licensed engineer and

constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.15(e), FCSR and FOF 3]

22. Prior to final plat approval, the applicant shall provide written documentation from the local fire protection authority verifying the approved Fire Prevention, Control and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR and FOF 6]
23. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR and FOF 6]
 - b. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR and FOF 6]
 - c. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR and FOF 6]

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-20-09
BAKER 80
AUGUST 26, 2020

I. GENERAL INFORMATION

A. Project Description

The proposal is for preliminary plat approval of a sixteen-lot residential subdivision, to be developed in four phases. The lots would be served by individual septic systems and wells. Access to each lot would be from a new internal subdivision road via Prairie View Road and Whitefish Village Drive.

B. Project Personnel

i. Owner/Applicant

GBSB Holdings, LLC
Scott Baker
2619 Lidstone Street
Houston, TX 77023

ii. Tech. Representative #1

TD&H Engineering
Doug Peppmeier, P.E.
450 Corporate Drive, Ste 101
Kalispell, MT 59901

iii. Tech. Representative #2

Bruce Boody Landscape Architect
Bruce Boody
301 East 2nd Street, Ste 1B
Whitefish, MT 59937

C. Application Review Dates

1. Land Use Advisory Committee/Council

The proposal is not located within the jurisdiction of a land use advisory committee.

2. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on September 9, 2020 at 6:00 P.M. in the Country Kitchen Building at the Flathead County Fairgrounds, located at 265 North Meridian Road, Kalispell, MT 59901. A recommendation from the Planning Board will be forwarded to the Flathead County Board of Commissioners for their consideration.

3. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board. The end of the 60-working day statutory review period is August 4, 2020, however, the applicant submitted a written waiver to the 60-working day statutory review period on July 7, 2020 and August 11, 2020.

II. ADMINISTRATIVE CHARACTERISTICS

A. Legal Description and Detailed Location of Subject Property

The proposed subdivision is comprised of four tracts of land which total 80.313 acres and can legally be described as follows:

Tract 1 of Certificate of Survey No. 19952, located in the Northwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 2 of Certificate of Survey No. 19952, located in the Northwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Tract 1 of Certificate of Survey No. 19953, located in the Southwest Quarter of the Southwest Quarter of Section 25, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Finding #2 – The proposed subdivision would have minimal impact on water, wastewater, and solid waste disposal services as the property is not located within a water and sewer district, the proposed subdivision would utilize individual wells and septic systems, the water and wastewater systems would be required to be reviewed and approved by the Flathead City-County Health Department and the Montana Department of Environmental Quality as applicable, and lots within the subdivision would utilize contract haul services for solid waste disposal.

c. Roads

Primary access to the subdivision is proposed from Whitefish Village Drive via Prairie View Road. Whitefish Village Drive is a paved, privately-maintained road within a 60-foot wide right-of-way, lying within an adjacent subdivision. Prairie View Road is a gravel, County-maintained road within a 60-foot wide right-of-way, which is not constructed the entire length of the right-of-way and terminates adjacent to the subject properties, south of the intersection with Whitefish Village Drive. A new internal subdivision road, shown as “Baker Heights Drive” on the preliminary plat, is proposed off Prairie View Road to provide access to lots within the subdivision.

The application includes a draft road user’s agreement outlining maintenance provisions for roadways within the subdivision. However, Section 4.7.15(d) FCSR states, *“When a new subdivision adjoins un-subdivided land (lands or parcels not created by a filed subdivision plat) the subdivider may be required to provide rights-of-way or easements from proposed subdivision road easement to the adjacent un-subdivided property. Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads, and a latecomer’s agreement, if applicable [...]”* Comment received from the County Attorney’s Office indicates the applicant is required to obtain an easement or written permission from Whitefish Hills Village to access Whitefish Village Drive because preliminary plat approval for Whitefish Hills Village did not include a specific condition requiring the subdivision to provide a right-of-way or easement to adjoining properties. The applicant shall be required to submit a road maintenance mechanism which includes maintenance provisions for Whitefish Village Drive prior to final plat approval.

According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, single-family dwellings typically generate approximately 10 average daily trips (ADT). The subdivision would create 16 residential lots and would therefore add approximately 160 ADT to Whitefish Village Drive. Since Whitefish Village Drive is the proposed primary access to the subdivision, an increase in traffic along Prairie View Road as a result of the subdivision is only anticipated to occur on the relatively small, isolated portion between Whitefish Village Drive and Baker Heights Drive.

The internal subdivision road will be constructed to the Flathead County Road and Bridge standards. Since Whitefish Village Drive is a paved road, no offsite roadway improvements would be required. However, if the applicants cannot provide proof of legal access and a road maintenance mechanism for Whitefish Village, primary

17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 FCSR; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase. [Section 4.4.2 FCSR].
19. Prior to final plat approval the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR, FOF 2]
20. Prior to final plat approval, the applicant shall provide approach permits from the Flathead County Road and Bridge Department for the approaches onto Prairie View Road. [Section 4.7.16 FCSR and FOF 3, 16]
21. Prior to final plat approval, the developer shall provide a compliant Road User's Agreement or CC&Rs document which requires each property owner to bear his or her pro-rata share for maintenance of Whitefish Village Drive and proof of legal access via Whitefish Village Drive, unless the applicant improves 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction. [Section 4.7.15(e), FCSR and FOF 3]
22. Prior to final plat approval, the applicant shall provide written documentation from the local fire protection authority verifying the approved Fire Prevention, Control and Fuels Reduction Plan has been implemented. [Section 4.7.27(b)(iii) FCSR and FOF 6]
23. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. This subdivision is located in the Wildland Urban Interface area where wildfires can and do occur. [Section 4.7.27 FCSR and FOF 6]
 - b. Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27 FCSR and FOF 6]
 - c. Firewise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27 FCSR and FOF 6]



40 11th Street West, Ste. 220
Kalispell, MT, 59901
OFFICE: (406) 751-8200
FAX: (406) 751-8210
EMAIL: planning.zoning@flathead.mt.gov
WEB: flathead.mt.gov/planning_zoning

September 28, 2020

Doug Peppmeier, PE
TD+H Engineering
450 Corporate Drive, Suite 101
Kalispell, MT 59901

Delivered via email

RE: Baker 80 Subdivision

Dear Mr. Peppmeier:

As you are well aware, there has been much discussion regarding the use of Whitefish Village Drive as the primary means of accessing the proposed lots of the Baker 80 Subdivision on 80 acres adjacent to the south of Whitefish Village Hills. Upon extensive legal review, it appears that Whitefish Village Drive is not available to access the Baker 80 Subdivision. I have attached sections of the Staff Report regarding access that have been amended to reflect the fact that Whitefish Village Drive does not appear to be available for access to the new subdivision. Also included are modifications to Finding of Fact #3 and Finding of Fact #16 and Condition of Approval #21. The Board of Commissioners will review these changes to the Staff Report when they consider this request at their meeting on October 8, 2020 at 10:15AM in the Commissioners' Chambers.

If you have any other questions regarding the matter, do not hesitate to contact me.

Sincerely,

Mark Mussman, CFM
Director

Attachment: Staff Report Amendment

Cc: Scott Baker—swbaker1234@gmail.com
Rich DeJana—rdejana@montanasky.net

Exhibit 14

STAFF REPORT ADDENDUM
FPP-20-09
BAKER 80 SUBDIVISION

a. Roads

Primary access to the subdivision was initially proposed to be from Whitefish Village Drive to the proposed internal subdivision road, Baker Heights Drive. Whitefish Village Drive is a privately maintained road which serves lots in the Whitefish Village Hills Subdivision. The road certification on the various phases of the Whitefish Village Hills plats states in part, "Whitefish Village Drive is intended to be private in all respects." Upon extensive legal review, it appears Whitefish Village Drive is not available to provide access to the proposed lots of the Baker 80 Subdivision. Primary and sole access to the proposed subdivision will be provided by Prairie View Road to the proposed internal subdivision road.

Primary access to the proposed subdivision ~~would~~ must be from Prairie View Road via KM Ranch Road. KM Ranch road is a paved, County-maintained road within a 60-foot wide right-of-way. Since Prairie View Road is an unpaved road, offsite improvements would be required per Section 4.7.17(g) FCSR in accordance with the standard improvement formula described in Section 4.7.17(h)(i)(ii). Based on the number of lots along this portion of Prairie View Road, the existing traffic count is approximately 70 ADT, thus 69.6% of this stretch of Prairie View Road would need to be paved. Staff calculated the offsite roadway improvement requirements from KM Ranch Road to the southern termination point of Baker Heights Drive, a distance of approximately 3,515 feet. The applicants would be required to pave 2,446 feet of Prairie View Road. ~~if primary access via Whitefish Village Drive is not granted.~~ The interior subdivision road will be constructed to Flathead County Road and Bridge standards, and the application did include a draft road user's agreement, outlining maintenance provisions for roadway within the subdivision.

The Flathead County Road and Bridge Department indicated no comments regarding the proposal. The applicant will be required to provide approach permits from the Flathead County Road and Bridge Department for the approaches onto Prairie View Road, prior to final plat approval.

~~Primary access to the subdivision is proposed from Whitefish Village Drive via Prairie View Road. Whitefish Village Drive is a paved, privately maintained road within a 60-foot wide right of way, lying within an adjacent subdivision. Prairie View Road is a gravel, County maintained road within a 60-foot wide right of way, which is not constructed the entire length of the right of way and terminates adjacent to the subject properties, south of the intersection with Whitefish Village Drive. A new internal subdivision road, shown as "Baker Heights Drive" on the preliminary plat, is proposed off Prairie View Road to provide access to lots within the subdivision.~~

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~~adjacent un subdivided property. Subsequent subdivisions using an existing subdivision road system as a primary access shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads, and a latecomer's agreement, if applicable [...]~~" Comment received from the County Attorney's Office indicates the applicant is required to obtain an easement or written permission from Whitefish Hills Village to access Whitefish Village Drive because preliminary plat approval for Whitefish Hills Village did not include a specific condition requiring the subdivision to provide a right of way or easement to adjoining properties. The applicant shall be required to submit a road maintenance mechanism which includes maintenance provisions for Whitefish Village Drive prior to final plat approval.

~~According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, single-family dwellings typically generate approximately 10 average daily trips (ADT). The subdivision would create 16 residential lots and would therefore add approximately 160 ADT to Whitefish Village Drive. Since Whitefish Village Drive is the proposed primary access to the subdivision, an increase in traffic along Prairie View Road as a result of the subdivision is only anticipated to occur on the relatively small, isolated portion between Whitefish Village Drive and Baker Heights Drive.~~

~~The internal subdivision road will be constructed to the Flathead County Road and Bridge standards. Since Whitefish Village Drive is a paved road, no offsite roadway improvements would be required. However, if the applicants cannot provide proof of legal access and a road maintenance mechanism for Whitefish Village, primary access to the proposed subdivision would be from Prairie View Road via KM Ranch Road. KM Ranch road is a paved, County-maintained road within a 60-foot wide right of way. Since Prairie View Road is an unpaved road, offsite improvements would be required per Section 4.7.17(g) FCSR in accordance with the standard improvement formula described in Section 4.7.17(h)(i)(ii). Based on the number of lots along this portion of Prairie View Road, the existing traffic count is approximately 70 ADT, thus 69.6% of this stretch of Prairie View Road would need to be paved. Staff calculated the offsite roadway improvement requirements from KM Ranch Road to the southern termination point of Baker Heights Drive, a distance of approximately 3,515 feet. The applicants would be required to pave 2,446 feet of Prairie View Road if primary access via Whitefish Village Drive is not granted.~~

Finding #3 – The road system appears to be acceptable with the imposition of conditions because the internal subdivision road would be paved and constructed to Flathead County Road and Bridge Department standards, the applicant would be required to improve, including paving, approximately 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, ~~unless proof of legal access and a road maintenance mechanism for Whitefish Village Drive is provided, the proposed subdivision has the potential to increase traffic on Whitefish Village Drive by 160 ADT, and approach permits from the Flathead County Road and Bridge Department will be required for the approaches onto Prairie View Road.~~

E. Provision of Legal and Physical Access to Each Parcel

Primary access to the subdivision was initially proposed to be from Whitefish Village Drive, which is a privately maintained road within a 60-foot right-of-way, via Prairie View Road, which is a County maintained road within a 60-foot right-of-way. An internal subdivision road, Baker Heights Drive, is proposed that will provide access to the proposed lots. After extensive legal review, it appears that Whitefish Village Drive is not available to provide access to the proposed new lots. However, the proposed subdivision does have legal and physical access from Prairie View Road. It should be noted that while Prairie View Road is within a dedicated right-of-way, it is not constructed to Flathead County Road and Bridge Standards and the current gravel road is only constructed to the southern border of the proposed subdivision. As noted previously, the internal subdivision road will be required to be constructed to Road and Bridge standards and 69.6% of Prairie View Road outside the subdivision will also need to be improved to Road and Bridge standards between the southern boundary of the subdivision and KM Ranch Road.

~~Primary access to the subdivision is proposed from Whitefish Village Drive, which is a privately maintained road within a 60 foot wide right of way, via Prairie View Road, which is a County maintained road within a 60 foot wide right of way. An internal subdivision road is proposed off Prairie View Road to provide access to lots within the subdivision. Approach permits will be required from the Flathead County Road and Bridge Department for the internal subdivision road approach onto Prairie View Road. Whitefish Village Drive is dedicated as a public access easement, as required per Section 4.7.15(e) FCSR. As previously stated, comment received from the County Attorney's Office indicates the applicant is required to obtain an easement or written permission from Whitefish Hills Village to access the Whitefish Village Drive because preliminary plat approval for Whitefish Hills Village did not include a specific condition requiring the subdivision to provide a right of way or easement to adjoining properties. Lot owners within the proposed subdivision will be required to pay a pro-rata share of road maintenance to utilize Whitefish Village Drive.~~

Finding #16 – The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it with the imposition of conditions because Prairie View Road is a County maintained road, the developer is required to improve 69.6% of Prairie View Road between the southern boundary of the subdivision and KM Ranch Road, and the proposed internal subdivision road will provide access to each lot within the subdivision.

~~**Finding #16**— The preliminary plat includes adequate provisions for legal and physical access to the subdivision and all lots within it, with the imposition of conditions, because Whitefish Village Drive would provide access to the subdivision with an easement or written permission from Whitefish Hills Village and a road maintenance mechanism; Prairie View Road would provide access to the proposed subdivision with approved approach permits from the Flathead County Road and Bridge Department, and the proposed internal subdivision road would provide access to each lot.~~

Conditions of Approval

21. Prior to final plat approval, the developer shall improve 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive. The improvements shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction. The developer shall also provide a compliant Road User's Agreement of CC&Rs document which requires each property owner to bear his or her pro rata share of maintenance of Baker Heights Drive. [Section 4.7.15(e), FCSR and FOF 3, 16]

~~Prior to final plat approval, the developer shall provide a compliant Road User's Agreement or CC&Rs document which requires each property owner to bear his or her pro rata share for maintenance of Whitefish Village Drive and proof of legal access via Whitefish Village Drive, unless the applicant improves 69.6% of Prairie View Road between KM Ranch Road and the southern termination point of Baker Heights Drive, which shall be certified by a licensed engineer and constructed and paved in accordance with the Flathead County Minimum Standards for Design and Construction.~~

**COMMISSIONERS' MEETING:
THURSDAY, OCTOBER 8, 2020**



Notice: These minutes are paraphrased to reflect the proceedings of the Board of Commissioners, MCA 7-4-2611(2)(B).

PLEDGE OF ALLEGIANCE

Chairman Pamela J. Holmquist led attendees in the Pledge of Allegiance.

08:43:40 AM (00:00:34)

PUBLIC COMMENT ON MATTERS WITHIN THE COMMISSION'S JURISDICTION

Present: Chairman Pamela J. Holmquist, Commissioners Randy L. Brodehl and Philip B. Mitchell, Administrator Mike Pence, Clerk Maria Albertson, Deputy Health Officer Kerry Knuckles, Flathead City-County Board of Health Chairman Bill Burg, Dan Manson, Brenda Roskos, Amy Hooks, Rich De Jana, Scott Baker, Sharise Clostio, Gary Winter, Jolene Groves, Ray Winn, and Robert Petersen

08:43:47 AM (00:00:45)



Dan Manson spoke about civil freedoms and citizen rights. Manson encouraged the Commissioners to rescind the State of Emergency and spoke about a court case involving Constitutional amendments.

08:46:50 AM (00:03:44)



Brenda Roskos talked about forced vaccines and mask mandates. Roskos asked the Commissioners to save our county from tyranny.

08:49:16 AM (00:06:10)



Amy Hooks provided a written statement from the Whitefish Hills Village HOA stating four reasons supporting opposition to the Baker 80 Subdivision.

08:51:54 AM (00:08:48)



Rich De Jana is representing applicant Scott Baker with the Baker 80 Subdivision. De Jana talked about the five phases of Whitefish Hills Village, the abandonment of the right-of-way on Brady Way in Whitefish, the connection from Prairie View Lane to Whitefish Village Drive, and the Flathead County Subdivision Regulations.

08:54:24 AM (00:11:18)

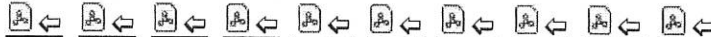
Flathead City-County Board of Health Chairman **Bill Burg** would like the Commissioners to consider additional compensation for excessive hours being worked for essential and exempt employees dealing with COVID-19 at Health Department.

08:56:19 AM (00:13:13)



Scott Baker discussed road access to the Baker 80 Subdivision. Phase Four of Whitefish Hills Village was approved by the Commissioners in November of 2019 and Baker purchased the property in December. Baker understood there was going to be access provided with the County road realignment discussed with the abandonment of the Brady Way right-of-way.

08:58:58 AM (00:15:52)



Sharise Clostio talked about a false state of emergency and the Coronavirus death rate.

09:01:18 AM (00:18:12)

Gary Winter noted the road access from Prairie View Road never reached Whitefish Hills Village Drive. Brady Way also never reached the subdivision, nor did the roads come together.

09:02:26 AM (00:19:24)



MONTHLY MEETING WITH MARK MUSSMAN, PLANNING & ZONING

Present: Chairman Pamela J. Holmquist, Commissioners Randy L. Brodehl and Philip B. Mitchell, County Administrator Mike Pence, Clerk Maria Albertson, and Planning & Zoning Director Mark Mussman, Weed & Parks Director Jed Fisher, Rich De Jana, and Scott Baker

Planning & Zoning Director Mark Mussman spoke about the two flood development properties that are under review. The Holt Drive property involves removal of a bridge, which would require a major variance permit. The North Fork Land Use Advisory Committee submitted an appeal application to the Board of Adjustment, which has since been withdrawn. There is a subcommittee to examine the regulations in the North Fork area.

The Planning & Zoning Office is fully-staffed and is busy even with the pandemic. At only three months into the fiscal year, the department is currently at half the revenue projected for the entire year. The Flathead County Planning Board meets next week at the Expo Building at the Fairgrounds for continued discussions on the Rolling Acres Subdivision.

09:29:14 AM (00:46:07)



A) PUBLIC HEARING: ANNEXATION FROM FIRE SERVICE AREA TO SOMERS RURAL FIRE DISTRICT / LAKESIDE CLUB

Present: Chairman Holmquist, Commissioners Brodehl and Mitchell, Administrator Pence, Clerk Albertson, Weed & Parks Director Fisher, AOA Assistant Director Beth Richardson, Plat Room Supervisor Sheena Sterling, Mark Buckwalter with the Eagles Crest HOA, and Dave Mangold

A petition was received from over 40% of landowners in the Lakeside Club requesting annexation from the Flathead County Fire Service Area into the Somers Rural Fire District. Permission was received from both Fire Service Area Manager Lincoln Chute and Somers Rural Fire District Chief Tom Havens. The taxable value for these 105 parcels is \$363,551.

09:30:13 AM (00:47:05)

Chairman Holmquist **opened the public hearing.**

09:30:34 AM (00:47:26)

Mark Buckwalter is with the Eagles Crest HOA and is available to answer questions.

09:31:03 AM (00:47:55)

Chairman Holmquist asked for the **third and final time** if anyone wished to speak.

09:31:14 AM (00:48:06)

Seeing no one rising, Chairman Holmquist **closed the public hearing.**

09:31:39 AM (00:48:31)



Motion to approve Resolution No. 2526 for annexation to the Somers Rural Fire District

Motion: Commissioner Mitchell / Second: Commissioner Brodehl

Aye – Chairman Holmquist, Commissioner Brodehl, and Commissioner Mitchell

Motion carried unanimously

Resolution No. 2526 is on file with the Clerk & Recorder as Document No. 202000034162.

09:32:10 AM (00:49:06)

**B) DOCUMENT FOR SIGNATURE: NUTRIEN SOLUTIONS CONTRACT FOR 2020
CHEMICALS / WEED DEPT.**

Present: Chairman Holmquist, Commissioners Brodehl and Mitchell, Administrator Pence, Clerk Albertson, Weed & Parks Director Fisher, AOA Assistant Director Richardson, & Dave Mangold

The bid for the Weed & Parks Department's 2020 chemical purchase was awarded to Nutrien Solutions on May 21, 2020. This \$38,024 agreement was approved by the Weed Board and requires final signature from the Board of Commissioners.

09:33:05 AM (00:49:58)



Motion to approve signature for Nutrien Solutions for the Weed Department's 2020 Chemical Bids as awarded on May 21, 2020

Motion: Commissioner Brodehl / Second: Commissioner Mitchell

Aye – Chairman Holmquist, Commissioner Brodehl, and Commissioner Mitchell

Motion carried unanimously

09:33:33 AM (00:50:29)

**C) DOCUMENT FOR SIGNATURE: 406 FINANCIAL SERVICES, LLC AGREEMENT FOR
VETERANS DIRECTED CARE PROGRAM / AOA**

Present: Chairman Holmquist, Commissioners Brodehl and Mitchell, Administrator Pence, Clerk Albertson, AOA Assistant Director Richardson, and Dave Mangold

This agreement will continue the current contract with 406 Financial Services, LLC. There has been a slight increase in the firm's rate of an additional \$2.00 per enrolled veteran, per month.

09:34:14 AM (00:51:07)



Motion to approve the contract with 406 Financial Services, LLC for the Veterans Directed Care Program

Motion: Commissioner Mitchell / Second: Commissioner Brodehl

Aye – Chairman Holmquist, Commissioner Brodehl, and Commissioner Mitchell

Motion carried unanimously

09:35:05 AM (00:52:01)



D) BOARD APPOINTMENT: WHITEFISH FIRE SERVICE AREA

Present: Chairman Holmquist, Commissioners Brodehl and Mitchell, Administrator Pence, Clerk Albertson, and Dave Mangold

The Whitefish Fire Service Area Board has a vacant position due to a member moving outside of the district boundaries. The unexpired term will begin upon appointment and expire on May 31, 2021. There are nine candidates, including Calvin Dyck, Sabine Foley, Fred Jones, George Losleben, Dave Mangold, Bill McKinney, Brian Owens, Eddie Smith, and Mike Zorn.

09:35:57 AM (00:52:49)

Motion to appoint Calvin Dyck to the Whitefish Fire Service Area until May 31, 2021

Motion: Commissioner Mitchell / Second: Commissioner Brodehl

Aye – Chairman Holmquist, Commissioner Brodehl, and Commissioner Mitchell

Motion carried unanimously

09:45:12 AM (00:54:57)



CONSIDERATION OF LAKESHORE PERMIT: G&M TRUST #FLP-20-88

Present: Chairman Holmquist, Commissioner Brodehl, Administrator Pence, Clerk Albertson, and Planner Donna Valade. Commissioner Mitchell was absent.

This lakeshore permit requests to replace a non-conforming covered porch on Lake Five that was damaged in a wind storm. Currently there are concrete piers supporting the structure, and these will be replaced by supporting boulders.

09:47:19 AM (00:57:01)

Motion to approve FLP-20-88

Motion: Commissioner Brodehl / Second: Chairman Holmquist

Aye – Chairman Holmquist and Commissioner Brodehl

Motion carried by quorum

09:58:12 AM (00:57:14)

BI-MONTHLY MEETING WITH CONNIE BEHE, LIBRARY

Present: Chairman Holmquist, Commissioners Brodehl and Mitchell, Administrator Pence, Clerk Albertson, and Library Director Connie Behe

Library Director Connie Behe has loaned staff to the Health Department. The Library is serving approximately 300 people per day. With the shared catalog, patrons have access to 890K titles that are made available outside of the 150K titles housed in the Library. There was a conversation about the opportunity to check out technology and to partner with Evergreen Chamber. Behe spoke about various services, which are in response to community feedback.

10:09:40 AM (01:08:45)

PRELIMINARY PLAT: BAKER 80 SUBDIVISION



Present: Chairman Holmquist, Commissioners Brodehl and Mitchell, Administrator Pence, Clerk Albertson, Deputy County Attorney Caitlin Overland, Planning & Zoning Director Mark Mussman, Planner Erin Appert, Gary Winter, Amy Hooks, Robert Kimball, Rich De Jana, applicant Scott Baker, and Doug Peppmier with TD&H Engineering

This Preliminary Plat application is for a 16-lot residential subdivision to be constructed over four phases and completed by 2036. The undeveloped subject property is 80.3 acres and is located in the East Blanchard Zoning District. The individual lot sizes will be 5.002 acres, and the current zoning for this property is SAG-5 (Suburban Agricultural). The parcels would be served by individual well and septic systems. Access to the lots would be provided by Baker Heights Road, a new internal subdivision road.

The Flathead County Planning Board reviewed the application on September 9, 2020 and forwarded a positive recommendation to the Commissioners (6-1). Numerous public comments were received regarding the Whitefish Village Drive access, which is a separate subdivision road. It was determined that Whitefish Village Drive is not available for use by the proposed subdivision. The memo provided by Planning & Zoning Director Mark Mussman shows the modifications made to the Findings of Fact and conditions of approval.

The Brady Way road abandonment was brought into the discussion with the Planning Board. There was further legal review with residents of Whitefish Hills Village Subdivision. The new recommendations include a road use agreement. There was a discussion about the road dedication being a public access easement and whether this is a substantive, major change.

10:42:55 AM (01:38:07)

Motion to send FPP-20-09 to the Flathead County Planning Board for further review

Motion: Commissioner Brodehl / Second: Commissioner Mitchell

Aye – Chairman Holmquist, Commissioner Brodehl, and Commissioner Mitchell

Motion carried unanimously

Erin Appert

From: Mary Fisher
Sent: Monday, October 5, 2020 7:57 AM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

From: Elaine Nelson <enelson@flathead.mt.gov>
Sent: Monday, October 5, 2020 7:54 AM
To: Pamela Holmquist <pholmquist@flathead.mt.gov>; Phil Mitchell <pmitchell@flathead.mt.gov>; Randy Brodehl <rbrodehl@flathead.mt.gov>; Mary Fisher <mFisher@flathead.mt.gov>
Subject: FW: Baker 80 Subdivision

From: Ellis, Pamela <pellis@nvhosp.org>
Sent: Friday, October 2, 2020 1:28 PM
To: Elaine Nelson <enelson@flathead.mt.gov>
Subject: Baker 80 Subdivision

- I am a homeowner in Whitefish Hills Village Subdivision and I totally object for the Baker 80 to be allowed to cut through to Whitefish Hills Village Drive as their main entry to Baker 80.
- Baker 80 was always sanctioned to be developed using Prairie View as their roadway entrance.
- The cost of the Baker 80 roadways is the responsibility of the Baker 80 Developer, not the residents in Whitefish Hills Village, taxpayers who own homes in a private subdivision next door. We should not be sanctioned with disrupting our roadways with Baker 80 traffic and money problems.
- If Baker 80 absolutely needed a fire exit, a breakaway gate could be researched for emergency only situations, but I think they need to come up with their own alternatives that do not infringe on other communities...

Kind regards,

*Pam Ellis & Kenny Ellis
115 Hills Lookout Court
Whitefish, MT 59937*

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Erin Appert

From: Elaine Nelson
Sent: Monday, October 5, 2020 9:24 AM
To: Randy Brodehl; Pamela Holmquist; Phil Mitchell; Erin Appert
Subject: FW: Baker 80, Letter to Commissioners

From: Amy Hooks <ahooks081@gmail.com>
Sent: Monday, October 5, 2020 9:23 AM
To: Elaine Nelson <enelson@flathead.mt.gov>
Subject: Baker 80, Letter to Commissioners

Oct 5th, 2020

Dear Commissioners,

I and many other homeowners in Whitefish Hills Village Subdivision have been very involved in trying to understand the process and regulations that may allow the use of our private roads by the Baker 80 development. We have sent written comments that you can view in the report from the county planner. In addition to those comments and our efforts so far, I'd like to make another comment.

When my husband and I looked into buying a lot in Whitefish Hills Village, we reviewed the plat, covenants, subdivision application and final approval. We also looked at surrounding property, history of rezoning, and growth policies for the county. There was really nothing to indicate that Whitefish Hills Village would be anything other than a quiet, private development with private roads maintained by the owners who have a vested interest in sustaining the high quality of our neighborhoods. We were diligent in researching before purchasing an expensive lot. We are not experts, but there really didn't seem to be anything to indicate this road access for another subdivision was even a possibility. I believe this is true for all who bought in this development.

Now, with the Baker 80 sub division application, and after many of us have built our homes, there is new information about potential access through our property that was previously unavailable. It feels a bit like what we live in now, is not what we bought into in 2017. We believe allowing this access will degrade and devalue our property and development.

Thank you for your consideration in this matter.

Sincerely,

Amy Hooks
167 Hills Lookout Ct
Whitefish MT 59937

Erin Appert

From: Elaine Nelson
Sent: Wednesday, October 7, 2020 7:44 AM
To: Pamela Holmquist; Randy Brodehl; Phil Mitchell; Erin Appert
Subject: FW: Baker 80 subdivision and Whitefish Village Drive access

From: Jim Rogers <jimrogers2007@gmail.com>
Sent: Tuesday, October 6, 2020 8:22 PM
To: Elaine Nelson <enelson@flathead.mt.gov>
Subject: Baker 80 subdivision and Whitefish Village Drive access

Deal Commissioners,

Please know that I am strongly opposed to the Baker 80 Subdivision proposal that provides access through Whitefish Hills Village.

On September 11, 2018 the Flathead Planning Board and the Flathead County Commissioner approved the five phases of the Whitefish Hills Village to be private roadways and "dedicated forever to be for the use of the owners."

And In 2019 when the Baker 80 Subdivision was submitted to the Flathead County Commissioners for approval for a zoning change to Sag-5, it was approved by the commissioners with the stated conditions for the use of Prairie View to the KM Ranch Road as the primary access road.

I urge you to require the Baker 80 subdivision create their own access via KM and Prairie View roads and honor your previous commitment to the residents of Whitefish Hills Village.

Sincerely, jim

Jim Rogers
1272 Whitefish Village Drive
Whitefish, MT 59937

Erin Appert

From: Elaine Nelson
Sent: Wednesday, October 7, 2020 7:45 AM
To: Pamela Holmquist; Randy Brodehl; Phil Mitchell; Erin Appert
Subject: FW: Baker 80 Subdivision

From: Sherry Jones <sherryjones2007@gmail.com>
Sent: Tuesday, October 6, 2020 8:09 PM
To: Elaine Nelson <enelson@flathead.mt.gov>
Subject: Baker 80 Subdivision

Dear Flathead County Commissioners,

Please know that I strongly oppose the Baker 80 Subdivision proposal that provides access through Whitefish Hills Village.

My husband and I purchased our property in the Whitefish Hills Village Subdivision in the autumn of 2018 believing that we would live in a small quiet neighborhood on a private road.

So it is with grave concern to learn that our private road, Whitefish Village Drive, may be used to provide access to the Baker 80 Subdivision. Yet on September 11, 2018 the Flathead Planning Board and the Flathead County Commissioner approved the Whitefish Hills Village roadways in all five phases to be private roadways and "dedicated forever to be for the use of the owners". Access from Baker 80 through Whitefish Village Drive would be a violation of this agreement. It is obvious that if the Baker 80 Subdivision is granted access as currently stated, Baker 80 landowners would use both the west and east side of the Whitefish Village Drive, clearly violating this signed agreement. In addition the route from KM through Prairie View and Whitefish Village Drive would become a thorough fare for the general public attempting to avoid Highway 93.

In 2019 when the Baker 80 Subdivision was submitted to the Flathead County Commissioners for approval for a zoning change to Sag-5, it was approved by the commissioners with the stated conditions for the use of Prairie View to the KM Ranch Road as the primary access road.

I urge you to require the Baker 80 subdivision create their own access via KM and Prairie View roads and honor your previous commitment to the residents of Whitefish Hills Village Subdivision.

Respectfully submitted,

Sherry Jones
1272 Whitefish Village Drive

Erin Appert

From: Elaine Nelson
Sent: Wednesday, October 7, 2020 1:02 PM
To: Pamela Holmquist; Randy Brodehl; Phil Mitchell; Erin Appert
Subject: FW: Preliminary Plat for Baker 80 subdivision

From: John & Nancy Gerbozy <gerbozy@hotmail.com>
Sent: Wednesday, October 7, 2020 11:31 AM
To: Elaine Nelson <enelson@flathead.mt.gov>
Subject: Preliminary Plat for Baker 80 subdivision

Commissioners,

I am a lot owner in the Whitefish Hills Village subdivision. I opposed allowing the Developer of the Baker 80 subdivision to access the private roads in our subdivision.

I do not oppose the Baker 80 subdivision as long as the Developer uses Prairie View Road for the access to the lots they are creating. I ask that you uphold the original conditions of the approved Zoning change for this parcel. I do not believe Prairie View Road will ever be improved if you allow the Developer to access Whitefish Village Drive.

The lots proposed in the Baker 80 plat will bear the cost of development no matter which option is allowed. I believe the Developer is asking you, our Commissioners, to ignore past land improvement requirements and to improve the Developer's lot salability and profit margin at the expense to the land owners in Whitefish Hills Village subdivision. The Baker 80 plat should not be viewed as simply a continuation of Whitefish Hills Village development, it bears a completely different makeup to each property.

I ask that you require the Developer to improve Prairie View Road and to use this road to access the Baker 80 subdivision.

Thank you.

John Gerbozy
Lot 31, Whitefish Hills Village

Erin Appert

From: Mary Fisher
Sent: Thursday, November 5, 2020 8:23 AM
To: Erin Appert
Subject: FW: Baker 80 Subdivision

Importance: High

From: Ellis, Pamela <pellis@nvhosp.org>
Sent: Thursday, November 5, 2020 8:16 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision
Importance: High

- I am a homeowner in Whitefish Hills Village, Lot 3.
- I do not approve of the Baker 80 road access into Whitefish Hills Village Drive.
- I attended the last planning board meeting at the fairgrounds, and I was surprised that commissioners were sharing their own personal opinions instead of sticking to the legal facts and regulations concerning this matter. Your job is to not have a bias personal interest.
- The attorney for the Baker 80 had preferential opportunity to speak at this planning board meeting and also share his opinions as if he were an authority.
- We do not want opinions, we want the laws to be upheld.
- One commissioner asked the recorder if the county received a lot of emails from Whitefish Hills Village homeowners, which concerns me if he did not read them all himself and know for a fact this already!
- Baker 80 Developer is responsible for the expense of his own project...period.
- Prairie View road was always the roadway approved and without Whitefish Hills Village homeowners consent, this cannot be made our burden and expense.
- Please look at the facts and leave personal opinions at home.

Kind regards,

Pam Ellis

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Please consider the environment before printing this e-mail

Erin Appert

From: Mary Fisher
Sent: Thursday, November 5, 2020 11:30 AM
To: Erin Appert
Subject: FW: Whitefish Village Drive

From: Cyndee Crittenden Carter <cyndeecc3@gmail.com>
Sent: Thursday, November 5, 2020 11:22 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Whitefish Village Drive

To Whom it may Concern :

I am a homeowner in Whitefish Hills Village, 1374 Whitefish Village Drive. I do not approve of the Baker 80 road access into Whitefish Hills Village Drive. This is the road that is in front of my home. I built this home for the rural road and community, not for a public access for future developments.

When I attended the last planning board meeting at the fairgrounds, and I was astounded that commissioners did not adhere to already established legal facts and regulations concerning this matter. The following are a few of our concerns:

- The attorney for the Baker 80 had preferential opportunity to speak at this planning board meeting. His opinion is not the law.
- We do not want opinions, we want the laws to be upheld.
- One commissioner asked the recorder if the county received a lot of emails from Whitefish Hills Village homeowners, why are these not read and published ?
- Baker 80 Developer is responsible for the expense of his own project...period.
- Prairie View road was a roadway approved and without Whitefish Hills Village homeowners consent, this cannot be made our burden and expense.

Please look at the facts. My children, grandchildren and pets thank you !

Cyndee Crittenden Carter
Whitefish Village Homeowner
406-212-0411

Angela Phillips

From: Debra Scott <debbeaz@gmail.com>
Sent: Tuesday, November 10, 2020 12:23 PM
To: Planning.Zoning
Subject: Baker 80

Hello, my name is Debra Scott homeowner of lot 80 Whitefish Village Dr.

I am adamantly opposed regarding Baker 80 developer's determination to use Whitefish Village Drive for their own financial benefit.

In the purchase price of our property included the expense of the road work which of course made the the lots more costly.

The Baker 80 development needs to have their own paved roads using Prairie View road not using Whitefish Village Drive. The heavy equipment will damage our road that Baker 80 Developers did not pay for.

I would appreciate it if the planning commission represent the property owners of Whitefish Village Drive. Baker 80 Developers should not be allowed to profit off the homeowners/taxpayers of Whitefish Village Drive.

Thank you,
Debra Scott
1234 Whitefish Village Drive
Whitefish, Mt 59937

Sent from my iPad

Mary Fisher

From: Kimala Davis <kimaladavis@gmail.com>
Sent: Wednesday, September 9, 2020 9:54 AM
To: Planning.Zoning
Subject: RE: Baker 80

To whom it may concern:

20 years ago my grandmother brought me to the most beautiful place I had ever seen, Flathead Valley and Glacier National Park. Being a southern girl, I had never had the incredible opportunity to be surrounded by majestic mountains and crystal clear lakes and rivers. I always knew I wanted to settle down and raise my children here. One cold winter day, I stumbled upon Whitefish Hills Village. My husband and three children fell in love with the trees, the land and the community trails.

Our family purchased our "dream lot" with the intentions to retire here in the year 2030. Imagine my delight, that we didn't have to wait until retirement age. We were able to move here fulltime and build our dream home. We were under the impression when we bought and built in WFHV that we were buying into a private community with private roadways.

The thought of having another development trying to use our roads gives me great concerns. The construction traffic, speeding, extra wear and tear on our roads, an extra estimated 160+ traffic trips a day and dust are just a few reasons that I oppose Baker 80. I urge you to please consider their original plan of using Prairie View Road.

My children ride their bikes on these roads. We walk our dog. We live here and use our roads for recreation every single day. It worries me to even think that we might have additional construction on our roadways for 20 something plus years. I don't want to have to worry every time my children head out on these roads.

My family asks that you please just do one thing to keep us safe and our neighborhood peaceful and sound, have Baker 80 use Prairie View Road.

Thank you in advance for your time.

Sincerely,
The Davis Family

Mary Fisher

From: Cindy Downing <wfishmt.cd@gmail.com>
Sent: Sunday, September 6, 2020 12:42 PM
To: Planning.Zoning
Subject: Baker 80 Subdivison

Flathead County Planning Board,

As a homeowner in Whitefish Hills Village, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. Whitefish Hills Village has been approved by the County as a subdivision with a private road system owned and maintained by the owners of our subdivision. Changing our private roads from Whitefish Hills Village property owner use only, to one with access for other developments will decrease our property values and the quality of the neighborhood.
2. Allowing Baker 80 (and any future developments) to use our roads will accelerate deterioration and significantly increase our maintenance costs. Any "Road Users Maintenance Agreement" with Baker 80 will be a constant debate over cost, collection of fees, and potential future liabilities.
3. Baker 80 Subdivision construction vehicles, sub-contractors and workers will be using Whitefish Village Drive for a minimum of 16 years (the proposed timeline for the development). There will be **constant** disruption in our community, not to mention dust, road deterioration, inconvenience, noise and safety concerns.
4. Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.
5. The Baker 80 Subdivision is accessible via Prairie View Road. This should be the main access road to the subdivision.

The Baker 80 proposal should be for the developer to pave Prairie View Road towards KM Ranch Road as the main access road to their development.

I respectfully request the Flathead County Planning Board ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,

Cindy Downing

Whitefish Hills Village Property Owner

Mary Fisher

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Sunday, September 6, 2020 12:34 PM
To: Planning.Zoning
Subject: Baker 80 Subdivision

Flathead County Planning Board,

As a homeowner in Whitefish Hills Village, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. Whitefish Hills Village has been approved by the County as a subdivision with a private road system owned and maintained by the owners of our subdivision. Changing our private roads from Whitefish Hills Village property owner use only, to one with access for other developments will decrease our property values and the quality of the neighborhood.
2. Allowing Baker 80 (and any future developments) to use our roads will accelerate deterioration and significantly increase our maintenance costs. Any "Road Users Maintenance Agreement" with Baker 80 will be a constant debate over cost, collection of fees, and potential future liabilities.
3. Baker 80 Subdivision construction vehicles, sub-contractors and workers will be using Whitefish Village Drive for a minimum of 16 years (the proposed timeline for the development). There will be **constant** disruption in our community, not to mention dust, road deterioration, inconvenience, noise and safety concerns.
4. Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.
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The Baker 80 proposal should be for the developer to pave Prairie View Road towards KM Ranch Road as the main access road to their development.

I respectfully request the Flathead County Planning Board ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Cindy Downing
Whitefish Hills Village Property Owner



Mary Fisher

From: Tom D <cvillepa.td@gmail.com>
Sent: Sunday, September 6, 2020 12:17 PM
To: Planning.Zoning
Subject: Baker 80 Subdivision

Flathead County Planning Board,

As a homeowner in Whitefish Hills Village, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. Whitefish Hills Village was approved by the County as a subdivision with a private road system owned and maintained by the owners of our subdivision. Changing our private roads from Whitefish Hills Village property owner use only, to one with access for other developments will decrease our property values and the quality of the neighborhood.
2. Having other developments (Baker 80 and future developments) use our roads will accelerate deterioration and increase our costs. Any "Road Users Maintenance Agreement" with Baker 80 will be a constant debate over cost, fees, and potential future liabilities.
3. Baker 80 Subdivision construction vehicles and workers will use Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
4. **Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.**
5. The Baker 80 Subdivision is accessible via Prairie View Road. This should be the access road to the subdivision.

The Baker 80 proposal should be for the developer to pave Prairie View Road towards KM Ranch Road as the access road to that development.

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,

Tom Downing

Whitefish Hills Village Property Owner

Mary Fisher

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Sunday, September 6, 2020 12:12 PM
To: Planning.Zoning
Subject: Baker 80 Subdivision

Flathead County Planning Board,

As a homeowner in Whitefish Hills Village, I do not support the Baker 80 subdivision proposal for the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. Whitefish Hills Village was approved by the County as a subdivision with a private road system owned and maintained by the owners of our subdivision. Changing our private roads from Whitefish Hills Village property owner use only, to one with access for other developments will decrease our property values and the quality of the neighborhood.
2. Having other developments (Baker 80 and future developments) use our roads will accelerate deterioration and increase our costs. Any "Road Users Maintenance Agreement" with Baker 80 will be a constant debate over cost, fees, and potential future liabilities.
3. Baker 80 Subdivision construction vehicles and workers, will use Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
4. **Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.**
5. The Baker 80 Subdivision is accessible via Prairie View Road. This should be the access road to the subdivision.

The Baker 80 proposal should be for the developer to pave Prairie View Road towards KM Ranch Road as the access road to that development.

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Tom Downing
Whitefish Hills Village Property Owner



Mary Fisher

From: Linda Houser <linda@seedsfamilyworship.com>
Sent: Wednesday, August 12, 2020 12:21 PM
To: Planning.Zoning
Subject: Baker 80

Flathead County Planning,

I moved into Whitefish Village Community last October with my family our family five in 2018. We were so excited to launch our new Montana life and purchased lot 88 in Whitefish Village Hills. We loved this corner lot at Stelle Lane and Whitefish Village Drive for the beauty and quietness of this space. We set our house far off the road to help create the right space for us and future grandkids. (Our first grandchild is coming in Dec 2020.)

We picked this spot to have a quiet place with good access to town. We understood that it was a new neighborhood and that we would have building going on for a few years... but we had no idea of the Baker 80 that has now been proposed. This has been so disheartening for our family because this was not disclosed to us and we purchased and built our home based on the plot maps and info that was provided. As we live on the corner of Stelle and Whitefish Village Drive, the last thing we want is 10-15 years of construction traffic. If this had been disclosed to us, we most likely would not have purchased this lot.

This project would have a significant negative impact our community for years to come and would be sad for our family in-particular. We ask that you do not allow Baker 80 to use our neighborhood or Brady Way for access.

Sincerely,
Linda Houser

1064 Whitefish Village Dr- Lot 88
801-400-3697
linda@housermania.com

Mary Fisher

From: Josh Houser <josh@housermania.com>
Sent: Wednesday, August 12, 2020 10:24 AM
To: Planning.Zoning
Subject: Baker 80 Subdivision

Flathead County Planning Department,

My name is Josh Houser and my family and I live at 1064 Whitefish Village Hills (Lot 88) in the Whitefish Village community. The reason I am reaching out today is to kindly ask you to reject the proposed access to the Baker 80 subdivision through Whitefish Village Hills.

It is our dream to live in Whitefish Montana. Upon moving here from Park City, UT in 2018 we searched for our new home to embark on our second half of life. We wanted a quiet space that had good access to town and to all the outdoors activities in our area. Whitefish Village Hills seemed to be the right spot for us. We carefully placed our home as far from the main road as possible to reduce noise and to give our future grandkids a safe place to play. This placement was expensive, but worth it.

We were given the plot map of the area and asked many questions about the subdivision. We were never told about the Baker 80 subdivision or possible access through our community. This information would have been a game changer for us. We were so caught off guard by the news of another subdivision gaining access through ours. (We ask that you deny them access through our subdivision.)

We understand there is consideration to send them through Brady Way. We kindly ask you that you do not do this either. We are set back on the corner of Whitefish Village Hills and Stelle Ave. This change would not help us at all as it would send all traffic right next to our home.

We are kindly asking for you to do the right thing for the families in Whitefish Village Hills. The info on Baker 80 was not disclosed to us and we have all invested heavily to live in this incredible subdivision.

Thank you in advance for keeping Whitefish Village Hills the quiet community that we all invested into.

Sincerely,
Josh Houser

Josh Houser
435-901-8580
josh@housermania.com

1064 Whitefish Village Dr
Whitefish, MT 59937

Mary Fisher

From: Samuel Scott <sscottmt54@gmail.com>
Sent: Tuesday, August 11, 2020 4:02 PM
To: Planning.Zoning
Subject: Baker 80 Subdivision

My wife and I purchased property and built our home on Whitefish Village drive. We selected this property for several reasons; it's proximity to stores and medical facilities, a quiet neighborhood, not on a through roadway to keep traffic at a minimum, and ease of access for emergency response by ambulance and fire apparatus. Safety and emergency response was high on our list. Should you (The County) grant the Baker 80 request it would bring additional traffic, heavy construction equipment, heavy wear on existing roads and do nothing to improve emergency response into this area of the County.

We strongly support the County in its original requirement to provide access to the Baker 80 Subdivision via Prairie View from KM Ranch road. This requirement would provide the new residents paved access in and out of their development. The major benefit would be to provide a paved road for Emergency response directly into the subdivision. The County and it's citizens don't benefit from this kind of development unless the developer is required to make improvements. We would also support the County requiring the developer to place a break-away barrier near the connection of Prairie View and Whitefish Village Drive. This would provide an emergency exit to the north for the Baker 80 residents and provide an emergency exit to the south for Whitefish Village Residents.

My wife and I see this as an improvement for both Subdivisions, while respecting the earlier planning decisions and the objections of the existing Whitefish Village property owners.

Thank You for your service to our county residents!

Sincerely,

Sam and Debbie Scott
1234 Whitefish Village Drive
Whitefish, Montana
406-407-0908

RECEIVED

Mary Fisher

From: Lynn Domínguez <dominguezhome00@gmail.com>
Sent: Tuesday, August 11, 2020 3:14 PM
To: Jeffevans@montanahoa.com; Planning.Zoning
Subject: Baker 80 Subdivision

My husband and I purchased lot #29, 94 Meadow View Court, in Whitefish Hills Village just over a year ago. This decision was based partly with the idea of getting away from traffic and busy roads. We chose Whitefish Hills Village because of the serenity and safe environment it offered.

We are now concerned that there will be additional traffic, noise, pollution and wear and tear on the main entrance road (Stelle Lane) to our development.

We understood when we purchased our lot for our retirement home, that Stelle Lane was a private road maintained by our community HOA. Now, much to our surprise, we have learned that it is a main access road for construction and resident traffic for the Baker 80 Subdivision.

There is an alternative road that can be used to access the Baker 80 Subdivision, Prairie View Road.

The construction of our new home in Whitefish Hills Village is a major investment and a life long commitment; consequently, this issue is a major concern. We very much hope this issue is resolved.

Thank you,
Lynn and Andrés Dominguez
(949)498-8390

SCANNED

Mary Fisher

From: jim reilly <4jimreilly@gmail.com>
Sent: Tuesday, August 11, 2020 2:33 PM
To: Planning.Zoning
Cc: Jeff Evans; Jim Reilly
Subject: Baker 80 Proposed Subdivision

I purchased a lot in Whitefish Hills Village in the Fall of 2019. We are starting construction in September 2020 and plan to move in Spring 2021. I know we will experience some construction traffic as our development is built out and I was already concerned about that. However, adding another development on top of the existing development feels like the straw that broke the proverbial camel's back. We purchased just as they opened section 4 thinking that we would just have to live through section 4 and 5 being built out. Adding more construction traffic (including well drilling equipment) would be very disappointing and could have an adverse effect on our property value. Please stop the Baker 80 Proposed Subdivision from accessing our roads.

Sincerely,
Jim Reilly
1445 Whitefish Village Drive
Sent from my iPad

SCANNED

Mary Fisher

From: John & Nancy Gerbozy <gerbozy@hotmail.com>
Sent: Tuesday, August 11, 2020 2:33 PM
To: Planning.Zoning
Subject: Baker 80 Subdivision

My name is Nancy Gerbozy and I am a lot owner at 1215 Whitefish Village Drive. My husband and I are currently building a home on this lot. The purpose of my letter is to express my concerns regarding road access for the proposed Baker 80 subdivision. My concerns are the following:

1. Fire safety

- Too many residents are located in an area with only one way out in case of a wildfire. A fire at the southern end of Whitefish Hills Village would trap those living in the Baker 80 subdivision.

2. Roadway safety

- Increased traffic from Stelle Rd on and off from state highway 93 would add to an already hazardous roadway there. Is there any plan by the state to address increased traffic at access points on this section of highway 93? Extending and improving Prairie View Rd up to Flathead County road and bridge standards with a connection to KM Ranch Rd would provide an alternative access point to highway 93 at KM Ranch Road. Additionally a route would then be established all the way to Church Rd which already has a safer underpass to highway 93.

3. Pedestrian safety

- School buses heading south on highway 93 stop at Stelle Rd. Multiple cars are parked along Stelle Rd with parents waiting to pick up their children. This creates a hazardous environment for pedestrians getting off the bus and therefore an increase in residential and/or construction traffic would compound this safety issue.

In summation, I am opposed to the proposed Baker 80 subdivision utilizing Whitefish Village Dr as their primary access road. Thank you for your time in reading this letter and thank you for your service to our community.

Nancy D. Gerbozy
1215 Whitefish Village Dr.
Whitefish, Montana
Sent from my iPad

Mary Fisher

From: John & Nancy Gerbozy <gerbozy@hotmail.com>
Sent: Tuesday, August 11, 2020 2:32 PM
To: Planning.Zoning
Subject: Baker 80 Subdivision, FPP-20-09

I am a lot owner in the Whitefish Hills Village subdivision and I oppose the development using Whitefish Village Drive for access to the Baker 80 Subdivision.

The County previously approved the change in zoning with the condition of improving and using Prairie View Road as access from KM Ranch Road. I believe those conditions should be reaffirmed and enforced. If this proposed subdivision is approved without enforcing the original intent, I do not believe Prairie View Road will ever be improved.

The proposed subdivision Developer should not be granted access simply because it is convenient and less costly for them. Prairie View Road currently extends near the south end of this Developer's land and improvement of the road should be part of the development costs associated with the Baker 80 Subdivision. The Developer can account for the cost of these improvements as part of their lot sale prices. The Whitefish Hills Village property owners should not be expected to help pay for the development of non-Whitefish Hills Village HOA property.

The proposed Baker 80 Subdivision does not bring any benefit to the Whitefish Hills Village HOA, it only adds traffic and impacts road maintenance costs. I oppose adding this proposed subdivision's additional traffic to the Highway 93 access point from Stelle Lane. I oppose using Stelle Lane and Whitefish Village Drive for construction traffic during the construction of Baker 80 Subdivision; not only the during the initial build but also during the proposed 16-year development of this subdivision. The Baker 80 Subdivision can easily be served from Highway 93 by the use of KM Ranch Road and Prairie View Road.

The approval of the Developer's subdivision request can be accomplished without the involvement of Whitefish Hills Village homeowners as long as it is approved using the original conditions of the rezoning to Sag 5. I urge the Board to support the property owners in the Whitefish Hills Village neighborhood and deny the Baker 80 Subdivision as presented.

Thank you.

John K. Gerbozy
1215 Whitefish Village Drive

Mary Fisher

From: Amy Hooks <greatnorthernhoney@gmail.com>
Sent: Tuesday, August 11, 2020 12:17 PM
To: Planning.Zoning
Subject: Baker 80

To the Flathead County Planning Board and County Commissioners

I am writing to you regarding the Baker 80 subdivision. It is my understanding that the intent of the developer is to use Whitefish Village Drive as a primary access. I am a resident of Whitefish Hills Village and I absolutely oppose this potential use of our private road.

It is also my understanding that in order for the Baker 80 subdivision to use our road, a "Road Users Agreement" would need to be reached between Baker 80 and Whitefish Hills Village. If there is an agreement between the two developers, the residents of Whitefish Hills Village will be expected to adhere to an agreement we had no input in creating.

How is this potential agreement to be enforced? Would that be the burden of the residents of Whitefish Hills Village?

I would hope that the planning board and county commissioners can see that this potential access through our neighborhood would cause undue burden for the families that actually reside in Whitefish Hills Village.

David Hooks

Erin Bren-Appert

From: Mary Fisher
Sent: Friday, August 7, 2020 11:43 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Lynda Adamson <lyndamson@yahoo.com>
Sent: Friday, August 7, 2020 11:34 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>; jeffevans@montanahoa.com
Subject: Baker 80 Subdivision

August 7, 2020

To Whom It May Concern,

We are in the process of building our new home at 186 Meadow View Court in Whitefish Hills Village and wanted to voice our opposition to the proposed use of roads for the new subdivision, Baker 80. One of the main reasons we chose Whitefish Hills Village was because it has a small, very private & quiet setting. If the new subdivision is allowed to use our roads, the negative impact would include extra traffic, noise, dirt from all the construction vehicles, concern over the safety of our kids and pets, wear and tear on the roads, and so much more. We are strongly against allowing Baker 80 Subdivision to use Whitefish Hills Village roads.

Thank you,
Philip and Lynda Adamson
Lot 24 / 186 Meadowview Ct.
Whitefish Hills Village

COV-11-20

Erin Bren-Appert

From: Mary Fisher
Sent: Friday, August 7, 2020 1:09 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 subdivision

From: mark stevens <markstevens4@icloud.com>
Sent: Friday, August 7, 2020 11:56 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 subdivision

Hello,

I am writing to express my opposition to using Whitefish Village Drive as an access road for the development and later use of the proposed Baker 80 subdivision. I am a homeowner in Whitefish Hills Village and dread the thought of construction traffic not only for our development, but apparently another development that won't be completed for 16 YEARS! Ask yourself if you would be happy about having 16 years of construction truck traffic where YOU live and raise kids. This clearly will decrease property values in my neighborhood. This will have increased road maintenance costs, weeds, danger to kids on scooters and bikes (I have 4 kids). I believe the opposition to this proposal to use our road for Baker 80 access is 100% among the homeowners of Whitefish Hills Village. Hoping that permission for this LONG TERM project to use our road is denied.

Regards,

Mark E. Stevens, MD
Homeowner, Whitefish Hills Village

Erin Bren-Appert

From: Mary Fisher
Sent: Friday, August 7, 2020 2:21 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Friday, August 7, 2020 2:19 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

The Baker 80 Subdivision proposal is for Prairie View Road/Baker Heights Drive to connect to Whitefish Village Drive. As currently shown on the County plat maps, Whitefish Village Drive would be the only access into the Baker 80 Subdivision with the end of Baker Heights Drive being a cul-de-sac.

As a homeowner in Whitefish Hills Village, I do not support the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. Whitefish Hills Village was approved by the County as a subdivision with a private road system owned and maintained by the residents (HOA) of the our subdivision. Changing our private drive from one of use for homeowners of Whitefish Hills Village to one with access for another development will decrease our property values and the quality of the neighborhood.
2. Having another development use our roads will accelerate deterioration and increase our costs. Any "Road Users Maintenance Agreement" with the Baker 80 Subdivision will be a constant debate over cost, fees, and potential future liabilities.
3. All Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
4. Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.
5. The Baker 80 Subdivision is situated on and accessible via Prairie View Road. This should be the only access road to the subdivision and not disrupt an existing community.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Cindy Downing
Whitefish Hills Village Property Owner

03/11/2020

Erin Bren-Appert

From: Mary Fisher
Sent: Friday, August 7, 2020 2:26 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Cindy Downing <wfishmt.cd@gmail.com>
Sent: Friday, August 7, 2020 2:22 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

The Baker 80 Subdivision proposal is for Prairie View Road/Baker Heights Drive to connect to Whitefish Village Drive. As currently shown on the County plat maps, Whitefish Village Drive would be the only access into the Baker 80 Subdivision with the end of Baker Heights Drive being a cul-de-sac.

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2. Having another development use our roads will accelerate deterioration and increase our costs. Any "Road Users Maintenance Agreement" with the Baker 80 Subdivision will be a constant debate over cost, fees, and potential future liabilities.
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According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Cindy Downing
Whitefish Hills Village Property Owner

SCANNED

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 7:47 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Gib Davis <gib@unibindery.com>
Sent: Friday, August 7, 2020 3:51 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: Jeff Evans <jeffevans@montanahoa.com>; Gib Davis <gib@unibindery.com>; Judy Davis <judy@unibindery.com>
Subject: Baker 80 Subdivision

We recently purchased a lot in Whitefish Hills Village (WFHV) and are in the process of building a vacation home for ourselves and extended family. When we were seeking a new location, we were struck by the serenity and sense of community in the area.

The Baker 80 extension would take this away.

This is not just about the 16 lots it is about all the other traffic that would use this access to the valley instead of KM Ranch Road and the reverse as this would shorten the drive to 93 up to Whitefish for many homes in the valley going to work going skiing going to Glacier and would divert a bunch of traffic off of Km Ranch where it intersects with 93.

Our greatest concern is that, it would be, not only, an access for the 16 proposed Baker 80 lots, but become a through road for any future development and a shortcut from KM Ranch to Whitefish. Strolling down the roads of WFHV to access the community trails, with pets and kids in tow, would become hazardous, with construction traffic and people "cutting through" who may not have the same courtesy and sense of community as the residents of WFHV.

Along with the increased traffic comes increased security risks to the homes in the neighborhood.

The roads and maintenance of WFHV are paid for by the residents of WFHV. Even if the residents of Baker 80 contribute to these costs, it would not negate the wear and tear and maintenance costs of a through road.

We are not in disagreement with having an emergency access, but do not support a primary access. We believe that an emergency access would benefit both communities. A caveat would be that this access not be abused by construction traffic and would be enforced by a locked gate at the very onset of Baker 80 development.

We believe that the developers of Baker 80 want this extension, because improved access to the City of Whitefish would improve the value of their lots. But, Baker 80 development will go forward, with or without this extension through WFHV. We don't understand why this extension should be forced on WFHV, at great detriment to our community, simply to improve profits for the Baker 80 developers.

Gib and Judy Davis
1609 Whitefish Hills Village Road

Operations Status - Week of June 29, 2020

Universal Bindery will remain open and will be operating as usual with a reduced staff working in the back. Things are slowly returning to normal. Please contact Gib Davis (gib@unibindery.com) or Helen Davis (helen@unibindery.com) with any inquiries during this time.

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 7:47 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

-----Original Message-----

From: Sabrina and Marc Larson <larsonmadrid@yahoo.com>
Sent: Saturday, August 8, 2020 11:57 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

As owners of Lot 19 in Whitefish Hills Village Subdivision, we would like to voice our concerns regarding the proposed Baker 80 Subdivision's use of Whitefish Village Drive for access to the proposed subdivision. Whitefish Hills Village was approved by the county as a subdivision with a private road system owned and maintained by the residents of the subdivision. If the Baker 80 Subdivision is allowed access via Whitefish Hills Village Drive, an alternate route to Hwy 93 would be created between Stelle Lane and KM Ranch Rd. Changing a private road into what would basically become a north/south alternate route to Hwy 93 will result in decreases to Whitefish Hills Village property values, change the quality of life in the subdivision, and conflict with the intent of the Whitefish Hills Village subdivision when it was approved by the county.

We have no objections to the Baker 80 Subdivision other than the proposed access through Whitefish Hills Village. This would change the nature of Whitefish Hills Village from a private quiet and safe environment to a subdivision with a public alternate route to Hwy 93, plus access to other developments/properties and county roads. The increase in traffic on Whitefish Village Drive would likely be drastically more than the 160 ADT estimated by the Baker 80 developer in Subdivision Report # FPP-20-09 dated July 29, 2020, which is not acceptable to us. Assuming the only increase to traffic on Whitefish Hills Drive would be 160 ADT related to Baker 80 residents is a flawed and misleading assumption.

Whitefish Hills Village had to build its own access road, why should it not be the same for Baker 80?

Please reject Baker 80 Subdivision's request for access though Whitefish Hills Village and require the development to build its own private access road via Prairie View Rd.

Regards,
Marc & Sabrina Larson

RECEIVED

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 7:51 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Proposed Subdivision
Attachments: 6a.pdf

From: Scott Drumm <swdrumm@protonmail.com>
Sent: Sunday, August 9, 2020 12:44 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: jeffevans@montanahoa.com
Subject: Baker 80 Proposed Subdivision

I am writing in reference to recent changes to the proposed Baker 80 Subdivision that were submitted to the Planning Commission for review in July 2020. This proposal included a request to use Whitefish Hills Village Dr as an access point to the Baker 80 subdivision.

As a resident of Whitefish Hills Village, I am opposed to the Baker 80 proposal as currently written based on the following:

- Whitefish Hills Village was approved by the county as a subdivision with a **private road system**, owned and maintained by the residents of the subdivision. Changing our private road from one reserved exclusively for use by the homeowners of Whitefish Hills Village to one permitting access by residents of another development decreases the value of our properties, adversely impacts the quality of our neighborhoods, and is in conflict with the intent of the Whitefish Hills Village subdivision when it was approved by the county. Please see the attached PDF document regarding the classification of Whitefish Village Dr circa August 2018.
- The proposed subdivision is to be implemented over a time span of 16 years, subjecting the residents of Whitefish Hills Village to construction activity including the operation of heavy vehicles on our roads through the year 2036.
- The original proposed access point to the Baker 80 subdivision - Prairie View to KM Ranch Rd - is more than adequate for the proposed subdivision due to the limited number of home sites and the Planning Commission's previously stated requirement that Prairie View Rd be improved to the current Flathead County Road and Bridge standards as part of the original Baker 80 proposal review.

Based on the above, I respectfully request that you deny the section of the Baker 80 Subdivision proposal pertaining to use of Whitefish Hills Dr. as an access point and require that all access to Baker 80 be via Prairie View and KM Ranch roads.

Thank you for your time and attention in this matter.

Scott W. Drumm
1250 Whitefish Village Dr., Whitefish, MT 59937

SCANNED

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 8:51 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision Proposal

From: GARY WINTER <dirtrunner06@yahoo.com>
Sent: Monday, August 10, 2020 8:50 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision Proposal

My name is Gary Winter and I live in Whitefish Hills Village with my wife. We moved in here, recently retired, knowing the peace, serenity, safety and security a private development gives you. Seeing the sign for a proposed subdivision a few weeks ago was very concerning to us and I immediately called to find out what was going on. After finding what the plans were, it became apparent we needed to make sure the Planning Board knew where we stand. We were prepared to discuss our concerns at the July 8th Planning Board Meeting and at the last minute it was pulled from the agenda. Now we come to find that the County has decided a Late Comers Agreement is not needed making it easier for this subdivision to use our private streets for something that should not even been allowed to get this far as the main entrance for the Baker 80 property has always been Prairie View to KM Ranch Road.

Everything we moved here for is jeopardized by this potential Baker 80 Subdivision. Construction traffic for our development is bad enough but we knew that was going to be short term situation and we are careful when walking the dogs on the road. As our development moves further down towards the south, where Baker 80 wants to have their entrance, it seems the construction traffic especially cement trucks test the speed as they are traveling further to their destination. If our roads are allowed to be used for this subdivision every piece of construction equipment and workers will be traveling completely through our development for at least 16 years! Not acceptable. Using our private roads, that we paid for as owners, by a subdivision that is planning to take 16 years to develop is totally unacceptable. It will absolutely have a negative impact on our property values of which the final Plat we received in our closing documents shows that the value of our private roadways is enhanced by the private, exclusive nature of Whitefish Village Drive. We implore the County Planning Commission to have Baker 80 use the Prairie View to KM Ranch Road as their main entrance as this has always been the case.

Thank You

Gary Winter
1322 Whitefish Village Drive
Whitefish, MT

RECEIVED

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 8:53 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Sherry Jones <sherryjones2007@gmail.com>
Sent: Monday, August 10, 2020 8:52 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Dear Flathead Planning Board,

Please know that I strongly oppose the Baker 80 Subdivision proposal that provides access through Whitefish Hills Village.

My husband and I purchased our property in the autumn of 2018 believing that we would live in a small quiet neighborhood on a private road.

So it is with grave concern to learn that our private road, Whitefish Village Drive, may be used to provide access to the Baker 80 Subdivision. Yet on September 11, 2018 the Flathead Planning Board and the Flathead County Commissioner approved the Whitefish Hills Village Phase 3 roadway to be a private roadway and "dedicated forever to be for the use of the owners". Access from Baker 80 through Whitefish Village Drive would be a violation of this agreement. It is obvious that if the Baker 80 Subdivision is granted access as currently stated, Baker 80 landowners would use both the west and east side of the Whitefish Village Drive, clearly violating this signed agreement.

Additionally when the Baker 80 Subdivision was submitted for approval for a zoning change to Sag-5, it was with specific guidelines for the use of Praire View to the KM Ranch Road as the main access road. The Planning Board needs to hold Baker 80 to this agreement. Construction traffic for a minimum of 16 years and increased traffic of 160 ADT as determined by the traffic study and subsequent disruption to our privacy is unacceptable. Over time, our private road will become a well-traveled route available to the public between the KM Ranch Road and Stelle Lane.

As a Whitefish Village Hills landowner, I support our group's decision for:

Option 1- to deny access to ingress/egress at the south end of Whitefish Village Drive.

In the event an emergency access is required, I would support:

Option 2- to allow Baker 80 to use the southern agresses of Whitefish Village Drive as an emergency access only with the installation of a breakaway gate at the property line between Baker 80 and Whitefish Village Drive. This gate would be constructed at the expense of the Baker 80 Subdivision.

I urge you to require the Baker 80 subdivision create their own access via KM and Prairie View roads.

Respectfully submitted,

Sherry Jones
1272 Whitefish 270-9727

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 10:04 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision Proposal

From: Mary Winter <mary@bluecrowcreative.com>
Sent: Monday, August 10, 2020 9:36 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: GARY WINTER <dirrunner06@yahoo.com>
Subject: Baker 80 Subdivision Proposal

Kalispell Planning and Zoning Department:

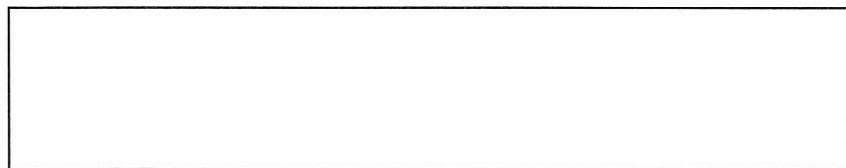
Fifteen years ago we visited Whitefish, fell in love with the area, and even bought 3 acres on our second visit. We wanted to retire and build a home in this area that had skiing, hiking and wonderful lakes and rivers.

Once we finally retired, we returned. We were going to build on our property in Columbia Falls, but fell in love with Whitefish Village development. It had a close proximity to town, large lots, trails, and most importantly it was a private community.

Today we now have the home built and love where we live, only to find out that the word "Private" means nothing when the developers are trying to sell lots. Even our builder sold us on the private community, so we are heartbroken that this may not be true, plus find out we have to suffer 20+ years of a new development using our roads which will bring large commercial vehicles driving past our home, additional traffic and congestion. Not to mention all the wear and tear on the roads.

I am writing in hopes that the city planning/zoning will see the facts that were sold to us, and keep the development as private. We are not wealthy enough to move again after just getting settled. This is not a second home, we plan to live here for years and be an integral part of the community. We volunteer at the Whitefish Food Bank and I am also a volunteer with CASA. Trying to give back to such a beautiful city and community.

So I write hoping common sense and the rights of the homeowner prevail, so we can enjoy our small part of paradise and keep the community that we were sold in will continue to be a private community.



Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 10:04 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Jim Rogers <jimrogers2007@gmail.com>
Sent: Monday, August 10, 2020 9:44 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

10 August, 2020

Dear Planning Board,

Below you will find my original letter describing my concern and opposition to the Baker 80 Subdivision proposal that grants access by our new home in Whitefish Hills Village.

Though I strongly prefer that residents in the Baker 80 subdivision use the Prairie View road to access the KM Ranch road, our homeowners group recently drafted an acceptable option that allows emergency access through a "breakaway gate" located on a spur road in the southern end of Whitefish Hills Village.

Indeed, an emergency escape route benefits both communities in case of fire, but the breakaway gate prevents the unwanted increased traffic along our private road and through our private community.

Thank you for your consideration.

Sincerely, jim

James Rogers
1272 Whitefish Village Drive
Whitefish, MT 59937

----- Forwarded message -----

From: Jim Rogers <jimrogers2007@gmail.com>
Date: Mon, Jul 6, 2020, 2:26 PM
Subject: Baker 80 Subdivision comments
To: <planning.zoning@flathead.mt.gov>
Cc: Sherry Jones <sherryjones2007@gmail.com>

6 July, 2020

Dear Flathead Planning Board,

RECEIVED

Please know that we are strongly opposed to the Baker 80 Subdivision proposal that provides access through Whitefish Hills Village.

We are property owners in the Whitefish Hills Village development and the building of our new home should be completed sometime this week. We purchased our property in the autumn of 2018 believing that we would live in a small quiet neighborhood on a private road.

So it was very troubling to learn on 3 July that our private road, Whitefish Village Drive, may be used to provide access to the Baker 80 Subdivision. Increased traffic and excess wear and tear of the road is bad enough, but over time, our private road will become a well-traveled route available to the public between the KM Ranch Road and Stelle Lane.

Plainly put, we would not have purchased our property in Whitefish Hills Village if we had known that this was going to happen.

Thank you for your consideration,

Sherry Jones and James Rogers
1272 Whitefish Village Drive
Whitefish, MT 59937

sherryjones2007@gmail.com

jimrogers2007@gmail.com

406.883.3611

RECEIVED

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, August 10, 2020 3:02 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Daniel Offutt <dsoffutt@gmail.com>
Sent: Monday, August 10, 2020 3:02 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: Jeff Evans <jeffevans@montanahoa.com>
Subject: Baker 80 Subdivision

Re: Baker 80 Proposed Subdivision

Dear friends, Plato once wrote “*Excellent things are rare*”. As he wrote, perhaps he was wondering, Why? Maybe he was thinking...many things begin in excellence, but through compromise, neglect, or external corruption--that thing called excellence was no more.

In September of 2019, my wife and I first visited Whitefish Hills Village. We saw a subdivision that was special. We saw a quiet new community arising in the forest; quality homes being built by talented builders. There were jogging trails and open spaces where children might play. And, importantly a private road system owned and maintained by the residents. We purchased lot 72 of Phase 4 during that visit. Our new home is now under construction.

We recently learned of the Baker 80 Proposed subdivision. The developer of Baker 80 has rights. The residents of Whitefish Hills Village also have rights—some of which are now under assault. The consequences of this assault—safety, beauty, value, congestion—have undoubtably been robustly articulated to the Planning Department by my subdivision neighbors.

My reason for this writing to the Flathead County Planning Department is to convey a goal—a goal I feel is shared by all the homeowners of Whitefish Hills Village. That goal is to respectfully ask the Planning Department to allow us to strive to preserve that *rare thing*—Whitefish Hills Village—as a place that is *Excellent*.

Please recommend that the commissioners deny Baker 80 access to Whitefish Village Drive. Have them use Prairie View Road as its entrance.

Daniel & Beverly Offutt

1440 Whitefish Village Drive

Daniel S. Offutt, MBA, CFP®

Tel: 281-890-1000

Cell: 713-449-8078

Fax: 281-890-1120

DSOffutt@gmail.com

Sent from [Mail](#) for Windows 10

CONFIDENTIAL

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, August 11, 2020 8:17 AM
To: Erin Bren-Appert
Subject: FW: Baker 80

From: Amy Hooks <ahooks081@gmail.com>
Sent: Tuesday, August 11, 2020 8:17 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80

Aug 10th, 2020

To the Flathead County Planning Board

I am writing to express my opposition to the proposal for Baker 80 Subdivision to use Whitefish Village Drive as the primary access for the Baker 80 development for the following reasons:

As homeowners in Whitefish Hills Village our family has invested time and money to create a home in what we had determined to be a private, predictable, quiet and aesthetic neighborhood. After one year of building our home, and now one and half years of living here, we have settled into a neighborhood with other homeowners who all have shared responsibilities and pride of ownership in Whitefish Hills Village. It has been a very rewarding and enjoyable experience.

With the possibility of our private road becoming an access road to another subdivision, comes many concerns, future frustrations and disappointments. One major concern is the increased construction traffic for years to come affecting not only the condition of the road but the quality and safety of everyday life for the residents who live here. To know that those outside the obligations of our HOA will use, damage and possibly not pay for road maintenance is very unsettling. In addition, after the many families who already live here and have invested in what looked to be a subdivision of certain character and quality, we are now faced with the potential for decreased property values. It seems to me that it is not Flathead County's objective to contribute to lowering the property values of residents

I sincerely hope that the county planning board and the county commissioners will consider how this potential access will greatly change the environment in which residents of Whitefish Hills Village already live. The Whitefish Hills Village subdivision was intended to be and approved by the county as a private, quiet residential neighborhood. Another developer should not be able to affect an already existing development so negatively.

Thank you for your consideration.

Amy Hooks

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Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, August 11, 2020 10:01 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Proposed Subdivision

From: Mary Reilly <mireilly9@gmail.com>
Sent: Tuesday, August 11, 2020 9:52 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Proposed Subdivision

Last year my husband and I purchased a lot in Whitefish Hills Village and we are in the process of finalizing our plans to build our home.

Our goal in purchasing this land is to have a quiet, well maintained, private property for our home.

Having another subdivision using our roads for access over the next 16+ years to build out another development will dramatically impact the value of our property and our ability to enjoy it. We are both in our 70's so we will have this impact for basically the rest of our lives.

The cost of maintaining and repairing the roads is also a major concern. As well as our ability to use the roads while under repairs for fast medical support.

The Baker 80 Subdivision should be required to build and maintain their own roads without impacting the many families that have already built their homes assuming a quiet, private environment.

Sincerely,
Mary Reilly
1445 Whitefish Village Drive
Lot 39

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, August 11, 2020 10:01 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Proposed Subdivision

-----Original Message-----

From: jim reilly <4jimreilly@gmail.com>
Sent: Tuesday, August 11, 2020 9:54 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: Jeff Evans <jeffevans@montanahoa.com>
Subject: Baker 80 Proposed Subdivision

I purchased a lot in Whitefish Hills Village in the Fall of 2019. We are starting construction in September 2020 and plan to move in Spring 2021. I know we will experience some construction traffic as our development is built out and I was already concerned about that. However, adding another development on top of the existing development feels like the straw that broke the proverbial camel's back. We purchased just as they opened section 4 thinking that we would just have to live through section 4 and 5 being built out. Adding more construction traffic (including well drilling equipment) would be very disappointing and could have an adverse effect on our property value. Please stop the Baker 80 Proposed Subdivision from accessing our roads.

Sincerely,
Jim Reilly
1445 Whitefish Village Drive
Sent from my iPad

Mary Fisher

From: GARY WINTER <dirtrunner06@yahoo.com>
Sent: Monday, August 10, 2020 10:52 AM
To: Planning.Zoning
Subject: Baker 80 Proposed Subdivision Rebuttal
Attachments: WFV_Baker 80 Proposed Subdivision.pdf

Mary,

It was nice talking with you this morning. Instead of all of us giving our concerns we thought the letters would do that and we would have one person go over a presentation saving time. I drew the short straw so I will be giving the presentation. I have attached it in a PDF file. If you have any questions please let me know. I want to thank both you and Erin for your help. This is a very big deal for us as homeowners and the information to get us this far is greatly appreciated.

Thank You,

Gary Winter
909-841-1164

SCANNED



Whitefish Village Homeowners



Baker 80 Proposed Subdivision Rebuttal

August 12, 2020

ACKNOWLEDGMENT

Quick Recap of letters sent to Planning Commission of concerns

Main speaker to address Planning Commission - 100% Consensus from homeowners living in Whitefish Village and many of those on the call tonight

BACKGROUND

- 2011 Whitefish Hills Village was presented and Approved.
Egress on the south side described as emergency egress (Attachment 1)
- Plat of Whitefish Hills Village, Phase 3 states what was approved by County Planning and signed into public record by the county Commissioner (Attachment 2 and Attachment 3).

BACKGROUND TO ZONING CHANGE TO ALLOW FOR A SUBDIVISION

- Prior to 2019 Zoning for the 4 - 20 acre parcels was Agriculture 20 owned by Don Kaltschmidt and wife in a family trust.
- Kaltschmidt Holdings, LLC put together Amendment report to change the zoning to Sag-5 paving the way for an 80 acre 16 lot subdivision.
- Page 12 (Attachment 4) Primary Access to the southern most of the four properties is currently Prairie View to KM Ranch Road...Any developments in the future would require Prairie View Road at this location to be brought to Flathead County Road and Bridge Standards and currently would not be adequate to provide ingress or egress for emergency services.
- Paragraph B (Attachment 5) states "the Property has direct access to Prairie View Road which is declared a County Road, however the roadway is not constructed at this point in time.
Prairie View Road intersects KM Ranch Road to the south.
- Under section C (Attachment 6) Traffic counts are not available for Prairie View Road north of KM Ranch Road from the Flathead County Road and Bridge Department and KM Ranch Road has an ADT count of 1165 as of 2012. Comments received from the Flathead County Road and Bridge Department indicate no concern at this time.
- Under Section 3 Finding #5 (Attachment 7) future development would require Prairie View to be brought up to Flathead County Road and Bridge Department standards.
- Under Section 3 b (attachment 8) With the exception of Family Transfer, The property would require the road improvements to be subdivided under the sag-5 zoning designation. Goes on to state the low estimated traffic generated by this proposal Prairie View Road and KM Ranch Road would be capable of handling the increased traffic.

RECEIVED

-
- Finding 8: (Attachment 9) Effects on motorized and non motorized transportation systems will be minimal because the existing Prairie View Road will be required to be improved to Flathead County Road and Bridge Standards if subdivision takes place. KM Ranch Road appears to be adequate to accommodate the change in zoning.
 - Summary Of Findings 8. (Attachment 10) Effects on motorized and non-motorized transportation systems will be minimal because the existing Prairie View Road will be required to be Improved to Flathead County Road and Bridge Department Standards if subdivision takes place, KM Ranch Road appears adequate to accommodate the change in zoning, this proposal would likely generate and additional 10.3% increase in traffic on KM Ranch Road and the change will not have an impact on the bicycle/pedestrian trails in the county.

Synopsis of above - Don K got approval for the zoning change to Sag 5 with all the above requirements all focusing on the Prairie View to KM Ranch as the Primary Access. Had they tried to push this to Whitefish Village Drive as an access point it would have never passed.

BAKER 80

In December 2019 this land was turned over to GBSB which is an LLC based out of Houston Texas which was formed a couple of months prior and in June 2020 the Proposal was submitted to Planning Board to be put on July 8th Agenda. At the last minute (morning of July 8) we were notified Baker 80 was pulled from the agenda. Probably due to the fact of the 28 letters in response to the proposal and now it is being resubmitted without trying to get a Late Comers Agreement which more than likely would have been turned down as a result of all the letters in disagreement to the proposal. One thing that proposal still needs is a Road Maintenance Agreement which if no agreement is made Prairie View to KM Ranch will be the primary entrance. Subdivision would be in 4 phases projected one phase every 4 years scheduled to be completed in 2036.

OPTION 1

Baker 80 proposal be amended to use Prairie View to KM Ranch as main entrance which has always been the case.
Deny access to ingress/egress at south end of Whitefish Village Drive.

OPTION 2

Allow Baker 80 proposal to use southern egress of WFV as an emergency access only.

- Breakaway gate would be installed at southern side on property line of Baker 80 Subdivision and WFV egress.
- Road behind gate to WFV egress would be gravel
- All to be paid for by Baker 80 Subdivision

REASON FOR REJECTION OF BAKER 80 USE OF WFV DRIVE AS AN ACCESS POINT.

- Construction traffic for minimum of 16 years
- Heavy equipment on an aging road on the different phases.
- 16 wells would have to be dug over the 16 years. Wells will need to be deep as ours was and this development is at a higher elevation requiring heavier duty equipment to dig deeper wells.
- Road to be put in four phases causing a major increase in construction traffic during this period
- Bigger houses projected to be built as lots projected to be high priced causing increased heavy cranes, more Cement trucks etc.
- Gates would have to be installed at the entrance to WFV from Stelle Lane and the South East end of Whitefish Village Drive before Egress to be paid by Baker 80 (estimate cost of \$50,000).
- Naturally safety concerns for residents on WFV drive west to Brady Way.
- Decreased property Values due to construction traffic for at least 16 years and overall traffic increase.
- Split HOA which will cause more problems to manage in the future.
- Road cost of WFV Drive and Brady way that has been paid by WFV homeowners.
- Maintenance Agreement will be next to impossible to get agreement from WFV Homeowners Board due to all the unknown costs created by the 16 years to develop Baker 80.

ATTACHMENT 1

▪ **Steve Lorch, Community Planner, DNRC Northwestern Land Office**

(verbal comment received June 28th, 2011)

- The developer is required to obtain approval from the DNRC prior to utilizing the spur easement to DNRC School Trust Lands as emergency ingress/egress to the development.
- The DNRC would prefer the subdivision roads be maintained as public easements to ensure access to state trust land as well as promote future connectivity and emergency ingress/egress should lands to the south be developed.

CERTIFICATE OF PRIVATE ROADWAYS:

The roadway shown as Whitefish Village Drive on this plat is intended to be private in all respects. It is hereby dedicated forever to be for the use of the owners (and their successors in interest) of the lots described on this plat. The owners (and their successors in interest) of the lots described on this plat, will provide for the all-season maintenance of Whitefish Village Drive by the creation of a Corporation or Home Owners Association to administer and fund the maintenance. It is understood and agreed that the value of each lot described on this plat is enhanced by the private, exclusive nature of said Whitefish Village Drive. Excepting and reserving the right to use all roadways within the plat of WHITEFISH HILLS VILLAGE, PHASE 3 by the owners of the lots in this phase, the developer, his heirs and assigns, and any and all future phases or subdivisions submitted by the developer. By order of the County Commissioners these roads are designated public access easements.

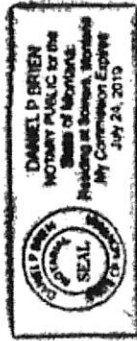
I (we) certify that the parcels labeled as "Open Space", and all roadways, are exempt from D.E.Q review pursuant to A.R.M. 17.36.605(2)(a) as a parcel that has no facilities for water supply, wastewater disposal, storm drainage or solid waste disposal, if no facilities will be constructed on the parcel.

Donald R. Murray
WHITEFISH VILLAGE, LLC

STATE OF MONTANA)
COUNTY OF FLATHEAD) SS

On this 1st day of August, 2012, before me a Notary Public for the State of Montana, personally appeared Donald R. Murray of WHITEFISH VILLAGE, LLC, known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Daniel P. Brien
Notary Public for the State of Montana
Printed name of Notary
Residing at _____
My commission expires 7/1/11



CERTIFICATE OF COUNTY COMMISSIONERS:

We, the undersigned Pamela J. Holmquist Chairman of the Board of County Commissioners of Flathead County, Montana, and Maria Ahlertson County Clerk of said County, do hereby certify that this accompanying Plat of: WHITEFISH HILLS VILLAGE, PHASE 3, Flathead County, Montana, has been submitted to the Board of County Commissioners of Flathead County, Montana, for examination and has been found by them to conform to the law and was approved by them at their regular meeting held on the 11th day of September, 2012.

Daniel P. Holmquist
Chairman - Board of County Commissioners, Flathead County

Maria Ahlertson
County Clerk - Flathead County



ATTACHMENT 4

Primary access to the southern most of the four properties is currently via Prairie View Road and KM Ranch Road. Prairie View Road appears to be a single lane primitive road at this location within a 60 foot easement. Any development in the future would require Prairie View Road at this location to be brought to Flathead County Road and Bridge Standards and currently would not be adequate to provide ingress and egress for emergency services. (See Figure 4)

The subject property appears to be mapped as unshaded Zone X, areas determined to be outside the 0.2% annual chance floodplain on FEMA FIRM Panel 30029C1405J.

Finding #2: The proposed map amendment is not specifically designed to secure safety from fire because it would allow for additional houses in the WUI, however, emergency services are available, Prairie View Road would be required to meet Flathead County Road and Bridge Standards if developed and defensible space can be used as mitigation, the combination of which lowers the risk to an acceptable level.

Finding #3: The proposed map amendment would secure safety from flood risk because the property is not in the 100 year floodplain.

Figure 4: current access to subject properties



ATTACHMENT 5

According to the applicant, "The property has direct access to Prairie View Road which is a declared County Road, however the roadway is not constructed at this point in time. Prairie View intersects KM Ranch Road to the south. The Prairie

ATTACHMENT 6

Traffic counts are not available for Prairie View Road north of KM Ranch Road from the Flathead County Road and Bridge Department and KM Ranch Road has an ADT count of 1,165 as of 2012. Comments received from the Flathead County Road and Bridge Department indicate no concern at this time. Because Prairie View

ATTACHMENT 7

Finding #5: The proposed zoning map amendment would not currently facilitate the adequate provision of transportation because the existing infrastructure appears inadequate to accommodate the change in zoning, however, the County Road Department had no comments regarding this proposal and future development of the properties would require Prairie View Road to be brought up to Flathead County Road and Bridge Standards.

ATTACHMENT 8

Given the current status of Prairie View Road at this location, it would not be capable of handling the increase in traffic unless the road is brought to Flathead County Road and Bridge standards. With the exception of Family Transfer, the property would require the road improvements in order for the properties to be subdivided under the proposed SAG-5 zoning designation. It is anticipated since road improvements are required with subdivision, the Road and Bridge Department has no comment, and given the low estimated traffic generated by this proposal Prairie View Road and KM Ranch Road would be capable of handling the increased traffic.

ATTACHMENT 9

Finding #8: Effects on motorized and non-motorized transportation systems will be minimal because the existing Prairie View Road will be required to be improved to Flathead County Road and Bridge Standards if subdivision takes place, KM Ranch Road appears adequate to accommodate the change in zoning, this proposal would likely generate an additional 10.3% increase in traffic on KM Ranch Road and the change will not have an impact on the bicycle/pedestrian trails in the county.

ATTACHMENT 10

8. Effects on motorized and non-motorized transportation systems will be minimal because the existing Prairie View Road will be required to be improved to Flathead County Road and Bridge Standards if subdivision takes place, KM Ranch Road appears adequate to accommodate the change in zoning, this proposal would likely generate an additional 10.3% increase in traffic on KM Ranch Road and the change will not have an impact on the bicycle/pedestrian trails in the county.

Erin Bren-Appert

From: Mary Fisher
Sent: Thursday, August 6, 2020 10:15 AM
To: Erin Bren-Appert
Subject: FW: Please REJECT Baker 80 proposal

Importance: High



From: Ellis, Pamela <pellis@nvhosp.org>
Sent: Thursday, August 6, 2020 10:11 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Please REJECT Baker 80 proposal
Importance: High

As a homeowner in Whitefish Hills Village subdivision, I strongly object to the request from the Baker 80 subdivision to cut a through road access into and across Whitefish Village Drive or Brady Way. It is my understanding that the **Baker 80 subdivision already has access off their original plan on Prairie View to the KM Ranch Road.**

- It is unrealistic to expect Whitefish Hills Village homeowners to accept increased traffic and have to deal with coordinating Baker 80's long term road maintenance costs to be mandated on us when **Baker 80 already has a viable road entrance approved on Prairie View.**
- At a minimum, if the Baker 80 subdivision needs a fire exit route, **an alternate gravel road with a break away gate onto Brady Way which is for Emergency Exit only.** And the cost of that gravel road and gate would be at expense of the developers of Baker 80.

Giving Whitefish Hills Village homeowners the added burden for Baker 80 roadway just does not seem reasonable when Baker 80 already has an approved roadway plan on Prairie View to KM Ranch Road..... WF Hills Village homeowners should not be asked to accept that burden, headache, expense and disrupt our neighborhoods with unwanted increased traffic and long term road maintenance.

Thank you for your consideration and review of the Baker 80 roadway request.

Kind Regards,
Pam Ellis

406-250-2636
pellis@nvhosp.org

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Please consider the environment before printing this e-mail

SCANNED

AUG 06 2020

Erin Bren-Appert

From: Mary Fisher
Sent: Thursday, August 6, 2020 9:34 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Proposed Access To Whitefish Village Drive

From: Kenny Ellis <ellistunes@hotmail.com>
Sent: Thursday, August 6, 2020 9:17 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Proposed Access To Whitefish Village Drive



To whom it may concern,

It has come to my attention that the Baker 80 Subdivision has submitted a proposal to be granted access to Whitefish Village Drive and through our Whitefish Village Subdivision. I would like to express my concerns about the additional residential traffic, as well as the commercial and construction wear and tear on our own subdivision roads over a period of many years. It appears that The Baker 80 Subdivision has other viable options to support the local residential and construction traffic in that subdivision without infringing on the residents who live on Whitefish Village Drive.

Please be advised that my vote is a vote not to allow access of through traffic from Baker 80, to Whitefish Village Drive, through Whitefish Village Subdivision.

Kenny Ellis
A concerned Whitefish Village resident

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, August 5, 2020 3:15 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision Connection to Whitefish Village Drive

From: Tom D <cvillepa.td@gmail.com>
Sent: Wednesday, August 5, 2020 3:12 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision Connection to Whitefish Village Drive

Flathead County Planning Board,

The Baker 80 Subdivision proposal is for Prairie View Road/Baker Heights Drive to connect to Whitefish Village Drive. Whitefish Village Drive would be the only access into the Baker 80 Subdivision. According to the preliminary plat on file with Flathead County, the other end of Baker Heights Drive is a cul-de-sac.

I do not support the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reason:

1. Whitefish Village roads are private, and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any "road maintenance agreement" with the Baker 80 Subdivision will be a constant debate over cost, fees, and potential future liabilities.
2. All Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
3. Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

I respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

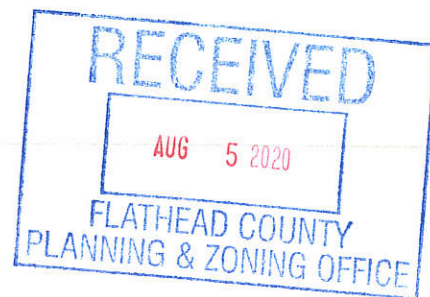
Thank you,
Tom Downing
Whitefish Hills Village Property Owners



Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, August 5, 2020 2:59 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Wednesday, August 5, 2020 2:59 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision



Flathead County Planning Board,

The Baker 80 Subdivision proposal is for Prairie View Road/Baker Heights Drive to connect to Whitefish Village Drive. Whitefish Village Drive would be the only access into the Baker 80 Subdivision. According to the preliminary plat on file with Flathead County, the other end of Baker Heights Drive is a cul-de-sac.

We do not support the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reason:

1. Whitefish Village roads are private, and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any "road maintenance agreement" with the Baker 80 Subdivision will be a constant debate over cost, fees, and potential future liabilities.
2. All Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
3. Future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

We respectfully request the Flathead County Planning Board to ensure access to the Baker 80 Subdivision be via KM Ranch and Prairie View Road. Please do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Tom Downing
92 Hills Lookout Court
Whitefish Hills Village Property Owners

SCANNED

Angela Phillips

From: Steve Rickels <capt254@aol.com>
Sent: Wednesday, July 29, 2020 9:53 AM
To: Planning.Zoning
Subject: Baker 80 Subdivision / Meeting August 12, 2020



Good morning-

My family currently resides at 1348 Whitefish Village Drive in Whitefish Hills Village. We have two young children, twelve and seven.

On a daily basis, my children utilize Whitefish Village Drive to access the numerous open space trails. We feel very fortunate to be part of this community. One of the reasons we chose to build on Whitefish Village Drive was due to the minimal traffic.

Should Baker 80 be permitted to utilize Whitefish Village Drive, the increased traffic due to heavy construction vehicles and contractors, will be dangerous.

I respectfully request that this proposed subdivision utilize Prairie View Road for its entrance.

Thank you for your time and consideration.

Best regards,

Steve Rickels

Erin Bren-Appert

From: Mary Fisher
Sent: Thursday, July 23, 2020 7:46 AM
To: Erin Bren-Appert
Subject: FW: Contact Message

From: website@flathead.mt.gov <website@flathead.mt.gov>
Sent: Wednesday, July 22, 2020 4:29 PM
To: PZ Contact US <pzcontactus@flathead.mt.gov>
Subject: Contact Message

Contact Inquiry

The information below is being sent from your website.

Name:	Bill Oswald
Email:	Wfoswald@gmail.com
Subject:	Baker 80 Proposal
Message:	We recently purchased lot #49 in Whitefish Hills Village where our new home is being built. The lot is located on the boundary of the proposed Baker 80 Subdivision. We anticipated those building sites would be oriented towards the Flathead Valley and not have an undesirable impact. However, a review of the proposed plat map shows that site development on lot #1 is squarely in our viewshed. Furthermore, it appears lot #3 will similarly impact our neighbors on lots 48 and 47. We want to retain the character and value of our property and, as such, request that homesites on lots #1 and #3 be removed from the proposed subdivision. Bill & Julie Oswald Lot #49.Whitefish Hills Village



Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 12:57 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision Opposition

From: Tracy Rossi <tracyrossi@gmail.com>
Sent: Wednesday, July 8, 2020 12:56 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: Paul <montanabuild@gmail.com>
Subject: Baker 80 Subdivision Opposition

Re: Baker 80 Subdivision

Paul McElroy and Tracy Rossi
120 Meadows View Court, Lot 28
Whitefish Hills Village, MT

To Whom it may concern:

We are property owners in the Whitefish Hills Village subdivision. We strongly oppose the access to this proposed subdivision using the roads that are maintained and paid for by the property owners of Whitefish Hills Village. We do not feel this will benefit us but will ultimately detriment us monetarily as well as potentially devalue our property with the increased traffic through our quiet subdivision. We ask the developer of this subdivision to use the access point through KM Ranch Road instead of our Whitefish Hills Village privately maintained roads.

Thank you for your attention to this matter,
Paul McElroy and Tracy Rossi

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 10:29 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: John Kaahui <john@kaheconstruction.com>
Sent: Wednesday, July 8, 2020 10:28 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Aloha Planning Commission,

We are residents of the Whitefish Hills Village and oppose the use of Whitefish Village Drive by the proposed Baker 80 Subdivision development. If allowed, this would be the only access to their new subdivision, and so will significantly impact our neighborhood. The Whitefish Village Drive is a private road and maintained by property owners of Whitefish Hills Village (HOA). We want to keep it private and manageable for the HOA.

The developer should explore other means of accessing their new subdivision. We wish to request that the Flathead County Planning Board deny the proposal from Baker 80 Subdivision.

Aloha,
John D. Kaahui, RME
Kahe Construction, LLC
808 349-3268

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 9:09 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision /public hearing

From: Mary Winter <mary@bluecrowcreative.com>
Sent: Wednesday, July 8, 2020 9:03 AM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision /public hearing

When Gary & I purchased our property on lot 76 and built our home, we bought knowing this was a private community and a private road. It was based on these facts that we made the final decision to build in Whitefish Village. We were even supplied a Plat map with a certificate of a private roadway.

Recently we saw the sign posted on the development about a proposed subdivision. Upon doing research we were very distressed to learn that W VH were involved in a proposal with the Baker 80 Subdivision. The late comers agreement would give them access from our road to what looks like the main entrance to their development.

The first issue is that this was never disclosed to us as land and home buyers that the private development status would change. It seems no one was notified or disclosed on this new development in our community.

So to conclude, not only are we against another development having access through our "private" community, but it would bring the following:

1. Years of commercial and construction traffic
2. Large impact on our roads with additional car congestion and traffic as the new development uses our road to bypass the dirt road used in their subdivision.
3. Sixteen years of additional construction traffic and large trucks
4. Road impact as this will cause damage to Whitefish Village Drive which is a private road that we as the HOA pay for the upkeep.

Thank you for reading this email. We appreciate the opportunity to be heard at the public meeting tonight.

Signed.

Mary LaRue Winter
Whitefish Village Homeowner

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 7:28 AM
To: Erin Bren-Appert
Subject: FW: Proposed Subdivision using WFFVillage Drive - Baker 80

From: Becky Wroblewski <beckyblewski@yahoo.com>
Sent: Tuesday, July 7, 2020 5:59 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Proposed Subdivision using WFFVillage Drive - Baker 80

Flathead County Planning Board,

We understand that the Baker 80 Subdivision's only road – Prairie View Road/Baker Heights Drive - connects to Whitefish Village Drive on which our home is located. It seems that Whitefish Village Drive is the only access road into the development and the Baker 80 Subdivision's mailboxes would be located near the Whitefish Village Drive side of their development. We also understand that according to the preliminary plat on file with Flathead County, the other end of Baker Heights Drive is a cul-de-sac.

We are totally against the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. Whitefish Village roads are private, and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any proposed "agreement" with the Baker 80 Subdivision for future cost of road maintenance will be a constant debate over cost, fees, and potential future liabilities.
2. For the foreseeable future, all Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns. There are many hikers and bikers along Whitefish Village Drive. This is a huge concern along with the safety involved during garbage and recycle days.
3. Any future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

We respectfully request the Flathead County Planning Board for access to the Baker 80 Subdivision to be via KM Ranch and Prairie View Road – and do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Alan & Becky Crump

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 7:28 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 subdivision

From: mark stevens <markstevens4@me.com>
Sent: Tuesday, July 7, 2020 6:02 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 subdivision

Hello, I am a property owner in Whitefish Village and I would like to voice my strong opposition to use of our private road as access for the proposed Baker 80 subdivision. The reasons are pretty obvious and I suspect you have already heard them

- 1) Increased traffic, congestion, pollution and danger for kids who may be riding bikes or scooters in the road.
- 2) Increased damage and wear and tear on the road which will come back to us as a cost since our hoa maintains them.
- 3) I have heard the plan calls for construction to continue until 2036! Would you want to live in a construction zone for damn near 20 years?

Please register my strong opposition to the Baker 80 subdivision using Whitefish Village drive as access.

Respectfully,

Mark E. Stevens, MD

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 7:28 AM
To: Erin Bren-Appert
Subject: FW: Proposed Baker 80 subdivision

From: John Martin <johnfmartin14@gmail.com>
Sent: Tuesday, July 7, 2020 6:18 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Proposed Baker 80 subdivision

Good evening,

Regarding the proposed subdivision noted in the subject line, I absolutely oppose and am against the "cut through" road that the developer would like to build. Connecting the Baker subdivision to Whitefish Hills Village is going to create a hornets nest from all of the owners in the Village. We did not purchase our properties to only become a short cut to/from KM Ranch Road. This proposal is going to create traffic, noise, dust, road deterioration and overall increased costs to homeowners in Whitefish Hills Village. I am against this and every other home owner in here is against it too.

Sincerely,

John Martin
160 Meadow View CT
Whitefish MT 59937
(Whitefish Hills Village)

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 7:28 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 subdivision

From: ann stevens <annstevens007@me.com>
Sent: Tuesday, July 7, 2020 6:57 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 subdivision

We respectfully request the Flathead County Planning Board for access to the Baker 80 Subdivision to be via KM Ranch and Prairie View Road – and do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

As a property owner who lives on Whitefish Village Drive, I disapprove of access to the Baker 80 Subdivision from Whitefish Village Drive. I have young children and have concerns with safety from additional construction traffic and additional residential traffic also. This is a private road that is maintained by the Whitefish Village HOA and is not supporting an additional subdivisions excess traffic. This property should be accessed by KM Ranch road.

Please consider our request for the safety of our children in our subdivision as well as the additional strain it will cause our community.
So NO!! We do not approve!!!

Ann Stevens
1085 Whitefish Village Drive

Sent from my iPhone

SCANNED

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 7:28 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

-----Original Message-----

From: Sara Jarvis <sjii1513@gmail.com>
Sent: Tuesday, July 7, 2020 9:44 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

I am against the proposed use of WF village drive for the baker 80 subdivision.

Sent from my iPhone

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 7:29 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Ryan Little <ryan.little582@gmail.com>
Sent: Tuesday, July 7, 2020 10:03 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

We just recently moved into the Whitefish Hills Village subdivision and have heard that there will be an additional subdivision only accessed through our subdivision. We were unaware of the plans for this subdivision when we moved in, and have concerns about it. We live on Whitefish Village Dr., which is a private road, and their access from our private road will increase our costs in maintaining the road. Also, we have four young children, and continued future construction will increase traffic on the road making the road more dangerous for them. We would like to request the new subdivision be accessed from Prarie View Dr. instead and have separation from our Whitefish Hills Village subdivision.

Thank you for your consideration.

Ryan Little

Erin Bren-Appert

From: Mary Fisher
Sent: Wednesday, July 8, 2020 7:29 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivivision

-----Original Message-----

From: Monica Bell <monicanicolebell@gmail.com>
Sent: Tuesday, July 7, 2020 10:05 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivivision

Flathead county planning board,

I am very concerned about the proposed subdivision that is to access the private road in Whitefish Hills Village. As a mom to young children, I worry about high traffic roads, and know that with increased use of our PRIVATE road, my children could be in danger. Please reconsider.

Thank you,
Monica Bell-Little

Sent from my iPhone

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 4:54 PM
To: Erin Bren-Appert
Subject: FW: No To Baker 80 Subdivision Using Whitefish Village Drive For Access

From: Kenny Ellis <ellistunes@hotmail.com>
Sent: Tuesday, July 7, 2020 4:53 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: No To Baker 80 Subdivision Using Whitefish Village Drive For Access

I strongly oppose the use of Whitefish Village Drive to access the Baker 80 Subdivision. I am a homeowner in Whitefish Hills Village Subdivision and I feel strongly about the negative impacts on the increase of long term construction and making it a thorough fare through our subdivision.

Kenny Ellis
115 Hills Lookout Court, Whitefish MT

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 4:49 PM
To: Erin Bren-Appert
Subject: FW: NO to Baker 80 Subdivision Roadway variance

Importance: High

From: lakefloater@bresnan.net <lakefloater@bresnan.net>
Sent: Tuesday, July 7, 2020 4:47 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: NO to Baker 80 Subdivision Roadway variance
Importance: High

I am a homeowner in Whitefish Hills Village Subdivision and **I strongly protest allowing any access to our major roadway of Whitefish Village Drive for the Baker 80 Sudivision.**

I am disappointed that our county leaders do not **send notification directly to homeowners** that this affects especially during a pandemic when residents are not socializing. Public notice in a newspaper is not sufficient and is disrespectful of tax payers. We the people who pay those taxes deserve better communication on matters of this importance.

Please note a very Strong NO from this homeowner.

Regards,

Pamela Ellis

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 4:49 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision Opposition

From: Kimala Davis <kimaladavis@gmail.com>
Sent: Tuesday, July 7, 2020 4:31 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Fwd: Baker 80 Subdivision Opposition

To whom it may concern:

I am a concerned homeowner in WF Hills Village.

I DO NOT support the proposed subdivision Baker 80 or the connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reasons:

1. Whitefish Village roads are private, and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any proposed "agreement" with the Baker 80 Subdivision for future cost of road maintenance will be a constant debate over cost, fees, and potential future liabilities.
2. For the foreseeable future, all Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns. This development is being released in 4 phases the last one being in 2036.
3. Any future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

We respectfully request the Flathead County Planning Board for access to the Baker 80 Subdivision to be via KM Ranch and Prairie View Road – and do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Sincerely,
Kimala Davis

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 4:16 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 subdivision access

From: Kim Crawford <kimcrawford9@gmail.com>
Sent: Tuesday, July 7, 2020 4:07 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: Jeff Evans <jeffevans@montanahoa.com>
Subject: Baker 80 subdivision access

Dear Flathead Planning Board,

This letter serves to inform you that I strongly oppose the Baker 80 Subdivision proposal that provides access through Whitefish Hills Village.

I purchased my property in the autumn of 2019 to build a house where I could live peacefully in a beautiful, quiet neighborhood.

Only last week I learned from Whitefish Hills Village HOA that our private road, Whitefish Village Drive, may be used to provide access to the Baker 80 Subdivision. Increased traffic of 160 ADT as determined by the traffic study and subsequent disruption to our privacy is unacceptable. Over time, our private road will become a well-traveled route available to the public between the KM Ranch Road and Stelle Lane. The documents say this proposal is a late submission, there are options available for access to Baker 80 that do not involve ruining my dream home and neighborhood.

This proposal comes as a complete surprise and has me extremely frustrated and disappointed at the lack of transparency. Baker 80 residents can enter from their own access road.

I urge you to consider the opinions of those of us already invested in the Whitefish Hills Village project. My house is currently under construction and I do not live in Montana yet or I would be attending the meeting in person to share my concerns.

Respectfully,

Kim Crawford
1628 Whitefish Village Dr.

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 4:16 PM
To: Erin Bren-Appert
Subject: FW: BAKER 80 SUBDIVISION

From: Robertandkaren Kimball <dryflyk@gmail.com>
Sent: Tuesday, July 7, 2020 4:13 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: BAKER 80 SUBDIVISION

To Flathead County Planning Board:

This is in regard to the Baker 80 Subdivison, which proposes to utilize Whitefish Village Drive, in Whitefish Village, for ingress and egress.

My husband and I strongly opposed the utilization of our private road (Whitefish Village Drive) as a road to access Baker 80 Subdivision, due to increased traffic, road wear and noise pollution.

We propose that a locked gate be put at the intersection of Prairie View Road and Whitefish Village Dr. Additionally, we propose that access to Baker 80 Subdivision be accomplished by Prairie View Road, off of KM Ranch Road and that the subdivision mailboxes be installed at the intersection of Prairie View road and KM Ranch Road.

There is widespread dismay and anger in Whitefish Village over the proposal by Baker 80 Subdivision to utilized our private roads. Please deny this proposal access to our private roads.

Thank you.

Karen and Bob Kimball
68 Hills Lookout Court
Whitefish Village
Whitefish, MT. 59937

Sent from [Mail](#) for Windows 10

RECEIVED

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 4:16 PM
To: Erin Bren-Appert
Subject: FW: Objection to Baker 80 Subdivision

From: Andrew Still-Baxter <andrew.stillbaxter@cloverhealth.com>
Sent: Tuesday, July 7, 2020 4:14 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Objection to Baker 80 Subdivision

Dear Flathead County Planning Board,

I'm writing to you because I live in Whitefish Hills Village and object to the Baker 80 Subdivision using our community's private road to access their subdivision. The proposed subdivision's only road – Prairie View Road/Baker Heights Drive - connects directly to Whitefish Village Drive. From what I can tell from the proposal, Whitefish Village Drive is the only access road into the development. According to the preliminary plan on file with Flathead County, the other end of Baker Heights Drive is a cul-de-sac, meaning all traffic will come through our neighborhood.

The main reasons we do not support the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive are:

1. Whitefish Village roads are private and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any proposed "agreement" with the Baker 80 Subdivision for future cost of road maintenance will be a constant debate over cost, fees, and potential future liabilities.
2. For the foreseeable future, all Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
3. Any future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted. It only makes sense that the developer should be responsible for creating their own access to the subdivision instead of piggybacking on this small community's private road.

We respectfully request the Flathead County Planning Board for access to the Baker 80 Subdivision to be via KM Ranch and Prairie View Road – and do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you so much for your consideration.

Andrew + Alexandra

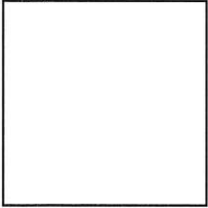
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Andrew Still-Baxter

Corporate Communications | Clover Health

andrew.stillbaxter@cloverhealth.com | (406) 250-8397

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Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 3:22 PM
To: Erin Bren-Appert
Subject: FW: BAKER 80 SUBDIVISION

From: diane@jebtransport.ca <diane@jebtransport.ca>
Sent: Tuesday, July 7, 2020 3:21 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: BAKER 80 SUBDIVISION

Flathead County Planning Board,

The Baker 80 Subdivision's only road – Prairie View Road/Baker Heights Drive - connects to Whitefish Village Drive. It appears that Whitefish Village Drive is the only access road into the development and the Baker 80 Subdivision's mailboxes would be located near the Whitefish Village Drive side of their development. According to the preliminary plat on file with Flathead County, the other end of Baker Heights Drive is a cul-de-sac.

We do not support the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reason:

1. Whitefish Village roads are private, and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any proposed "agreement" with the Baker 80 Subdivision for future cost of road maintenance will be a constant debate over cost, fees, and potential future liabilities.
2. For the foreseeable future, all Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
3. Any future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

We respectfully request the Flathead County Planning Board for access to the Baker 80 Subdivision to be via KM Ranch and Prairie View Road – and do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Diane Rombough
Homeowner at 184 Hills Lookout Court, Whitefish MT

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 3:22 PM
To: Erin Bren-Appert
Subject: FW: BAKER 80 SUBDIVISION

From: Diane Rombough <jeb_transport@hotmail.com>
Sent: Tuesday, July 7, 2020 3:18 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: BAKER 80 SUBDIVISION

Flathead County Planning Board,

The Baker 80 Subdivision's only road – Prairie View Road/Baker Heights Drive - connects to Whitefish Village Drive. It appears that Whitefish Village Drive is the only access road into the development and the Baker 80 Subdivision's mailboxes would be located near the Whitefish Village Drive side of their development. According to the preliminary plat on file with Flathead County, the other end of Baker Heights Drive is a cul-de-sac.

We do not support the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reason:

1. Whitefish Village roads are private, and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any proposed "agreement" with the Baker 80 Subdivision for future cost of road maintenance will be a constant debate over cost, fees, and potential future liabilities.
2. For the foreseeable future, all Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
3. Any future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

We respectfully request the Flathead County Planning Board for access to the Baker 80 Subdivision to be via KM Ranch and Prairie View Road – and do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Blair Rombough
Homeowner of 184 Hills Lookout Court, Whitefish MT

Diane Rombough
Office Manager
JEB Transport Ltd.
403-308-3131

RECEIVED

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 3:22 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision comments

From: Sherry Jones <sherryjones2007@gmail.com>
Sent: Tuesday, July 7, 2020 2:50 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision comments

July 7, 2020

Dear Flathead Planning Board,

Please know that I strongly oppose the Baker 80 Subdivision proposal that provides access through Whitefish Hills Village.

My husband and I purchased our property in the autumn of 2018 believing that we would live in a small quiet neighborhood on a private road.

So it is with grave concern that we learned on 3 July that our private road, Whitefish Village Drive, may be used to provide access to the Baker 80 Subdivision. Increased traffic of 160 ADT as determined by the traffic study and subsequent disruption to our privacy is unacceptable. Over time, our private road will become a well-traveled route available to the public between the KM Ranch Road and Stelle Lane.

Plainly put, this proposed access through Whitefish Village Drive comes as a complete surprise and is totally unacceptable.

I urge you to require the Baker 80 subdivision create their own access via KM and Prairie View roads.

Respectfully submitted,

Sherry Jones
1272 Whitefish 270-[728

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 2:41 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 subdivision

-----Original Message-----

From: Mason Hagemeyer <mhagemeyer@me.com>
Sent: Tuesday, July 7, 2020 2:19 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 subdivision

Hello, I am writing this email to inform you that I am against the proposed subdivision latecomers agreement and road user agreement. The increase in traffic will be an immediate danger to my family and cannot be permitted. Please take into consideration the residents of whitefish hills village. We moved there under the pretense that it is a safe area to raise children, please don't take that away from us. Thank you for your time.

M. Hagemeyer

Resident/owner in Whitefish Hills village

Erin Bren-Appert

From: Mary Fisher
Sent: Tuesday, July 7, 2020 12:52 PM
To: Erin Bren-Appert
Subject: FW: BAKER 80 subdivision comments

-----Original Message-----

From: Mindy Kalee <mindysue129@gmail.com>
Sent: Tuesday, July 7, 2020 12:40 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: BAKER 80 subdivision comments

To whom it may concern

I own property in WFHV and I 100% oppose the proposed subdivision of Baker 80. This was NOT clearly disclosed to us when we bought our lot on Whitefish Village Drive. Had we known this was a clearly written possibility, we would have purchased differently. We were sold that WFVD was a PRIVATE road. We do not wish for the additional traffic, road maintenance or road construction for 16 years as this subdivision rolls out in 4 phases. We do not approve.

Thank you for understanding
Mindy

Sent from my iPhone

July 5, 2020

Regarding: Baker 80 Subdivision

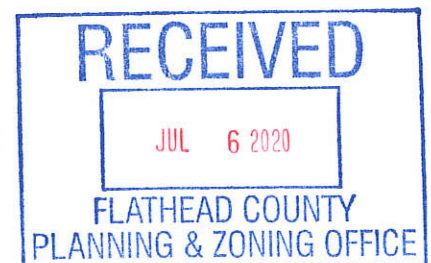
I was recently made aware of a situation that could have lasting consequences to me personally as well as my heirs. One of my concerns is that having heavy equipment traffic crossing roadways that the homeowners of Whitefish Village will eventually be financially responsible for could be an endless and costly burden. Further, it pains me to be put in the arena of opposition, as I am proud to be pro-business that is unless and until it affects me and/or my community negatively, then I am the last to speak in an adversarial manner. Twenty-five years ago, I from escaped California where a similar situation occurred in previous neighborhood where our young family lived.

In our situation one developer *financially compensated* the next new developer so that heavy equipment could run across a newly create sub-division roadway. Many of the homeowners were young first-time buyers and in many cases were happy that the new developer was, going to plant a few trees for all of us putting up with the noise and dust etc. We were all so naïve and to our horror, within a few years we all found out the damage to the roadbed was incredible leaving disgusting potholes. The developers disappeared into the sunset and we were left to clean up the mess. Geographically, it is about the same size of the proposed Baker-80 project. That was 48 years ago before many were talking about HOA's. We all had the share the expense or see our homes devalued it was a struggle for many young families to absorb the cost of just under \$400.00 per family and as I said that was 48 years ago; I can only imagine what the multiplying factor is at today's prices. Fact is someone will pay for it, will Flathead County? I think not!

These are just a few of what I see as unintended consequences of an ill-conceived plan. Please see Amy Hooks letter for more examples, as she has provided a well thought out letter for Planning and Zoning. My position here was to speak to my previous experience. Please note I have no animas toward the Baker-80 Subdivision, and I wish them well. Further, I moved to Whitefish Village because I looked forward to LESS TRAFFIC. And finally, I didn't want to live in the Town of Whitefish, where the inmates run the asylum. I certainly hope I avoided that and didn't make a huge mistake...

Respectfully submitted,

Joanna King
1210 Whitefish Village Drive
Whitefish, Montana
406.270.7222



054

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, July 6, 2020 2:28 PM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision comments

From: Jim Rogers <jimrogers2007@gmail.com>
Sent: Monday, July 6, 2020 2:26 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Cc: Sherry Jones <sherryjones2007@gmail.com>
Subject: Baker 80 Subdivision comments

6 July, 2020

Dear Flathead Planning Board,

Please know that we are strongly opposed to the Baker 80 Subdivision proposal that provides access through Whitefish Hills Village.

We are property owners in the Whitefish Hills Village development and the building of our new home should be completed sometime this week. We purchased our property in the autumn of 2018 believing that we would live in a small quiet neighborhood on a private road.

So it was very troubling to learn on 3 July that our private road, Whitefish Village Drive, may be used to provide access to the Baker 80 Subdivision. Increased traffic and excess wear and tear of the road is bad enough, but over time, our private road will become a well-traveled route available to the public between the KM Ranch Road and Stelle Lane.

Plainly put, we would not have purchased our property in Whitefish Hills Village if we had known that this was going to happen.

Thank you for your consideration,

Sherry Jones and James Rogers
1272 Whitefish Village Drive
Whitefish, MT 59937

sherryjones2007@gmail.com
jimrogers2007@gmail.com
406.883.3611

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, July 6, 2020 7:31 AM
To: Erin Bren-Appert
Subject: FW: Contact Message

From: website@flathead.mt.gov <website@flathead.mt.gov>
Sent: Sunday, July 5, 2020 1:26 PM
To: PZ Contact US <pzcontactus@flathead.mt.gov>
Subject: Contact Message

Contact Inquiry

The information below is being sent from your website.

Name:	Suzanne Hodges
Email:	hhlanelc@gmail.com
Subject:	BAKER 80 SUBDIVISION
Message:	I vehemently oppose the Baker 80 proposal to allow public traffic on Whitefish Village Drive. Whitefish Village Drive is a private residential road maintained by the home owners association of Whitefish Hills Village. Incidentally this would cause and increase of construction traffic resulting in the degradation of this private road and additional road maintenance would be required. This proposed development can easily be accessed from a county road , KM ranch road.

Erin Bren-Appert

From: Mary Fisher
Sent: Monday, July 6, 2020 7:29 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Amy Hooks <ahooks081@gmail.com>
Sent: Friday, July 3, 2020 12:59 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

We are writing to you to comment on the Baker 80 subdivision. As a residents of Whitefish Hills Village, we are opposed to allowing the Baker 80 development access from Whitefish Village drive for the following reasons:

1. Increased Traffic. Of particular concern is increased construction traffic for years to come. Years of construction traffic would adversely affect the quality of living for residents of Whitefish Village, Brady Way and surrounding areas by increased noise, litter, weeds and reduced safety.
2. Whitefish Village Drive is a private residential road maintained by the residents of Whitefish Hills Village. Although a road agreement including funding may initially be reached, it leaves the burden of enforcing the obligations of road maintenance in the future on the residents of Whitefish Village. In addition the cost of road maintenance will increase for the residents of Whitefish Village.
3. The increase of traffic would change the intention of the Whitefish Village Subdivision from a quiet, residential development to an access point.
4. Stelle Lane currently is the only outlet to Hwy 93 for much of the Whitefish Hills neighborhood, residents of Studebaker Ln, Big Ravine Dr., Mont Pac Ln, Squirrel Ln, Woods Trail, Brady Way, Aspen Ridge, Hidden Ridge, Brady Way West, and Whitefish Village Drive. The eventual residents of Baker 80 and years of construction traffic for the development would further congest the intersection at Stelle Ln and Hwy 93. If the Baker 80 development were to use the already existing county road, Prairie View, traffic could be dispersed rather than increasing congestion at Stelle Ln and Hwy 93.
5. Currently, traffic, weeds, parking, trash, and other issues in Whitefish Hills Village are addressed through the HOA for Whitefish Hills Village. Because we pay homeowners association fee's, have a vested interest, and have pride in ownership, we as residents are motivated and obligated to maintain our neighborhood. Those who pass through have no obligation, motivation or accountability particularly, the hundreds of construction workers that will be passing through for years to come.

The Baker 80 development would create a potential cut around-pass through from KM Road through to Stelle Ln via Prairie View Rd not only increasing traffic but the traffic would be that of people that don't pay road association fee's, have no ownership, but would still increase road damage. Does the county intend to help maintain our private road once it is open to any traffic from the county?

Only part of Whitefish Village Drive (east side) has a county easement yet if Whitefish Village Drive becomes an access for the Baker 80 subdivision this new development would access both sides of the drive. Will a new road agreement include the entire Whitefish Village Drive?

The Staff report states that the average daily trips would only be ten for a residential neighborhood the size of Baker 80 development. What is the average daily trip for a development under construction for 16 years?

David and Amy Hooks

Erin Bren-Appert

From: Mary Fisher
Sent: Thursday, July 2, 2020 7:38 AM
To: Erin Bren-Appert
Subject: FW: Baker 80 Subdivision

From: Tom & Cindy Downing <mtview4us@verizon.net>
Sent: Wednesday, July 1, 2020 5:05 PM
To: Planning.Zoning <Planning.Zoning@flathead.mt.gov>
Subject: Baker 80 Subdivision

Flathead County Planning Board,

The Baker 80 Subdivision's only road – Prairie View Road/Baker Heights Drive - connects to Whitefish Village Drive. It appears that Whitefish Village Drive is the only access road into the development and the Baker 80 Subdivision's mailboxes would be located near the Whitefish Village Drive side of their development. According to the preliminary plat on file with Flathead County, the other end of Baker Heights Drive is a cul-de-sac.

We do not support the proposed connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive for the following reason:

1. Whitefish Village roads are private, and are maintained by the property owners (HOA) within the Village. Having another development use our roads will accelerate deterioration and costs. Any proposed "agreement" with the Baker 80 Subdivision for future cost of road maintenance will be a constant debate over cost, fees, and potential future liabilities.
2. For the foreseeable future, all Baker 80 Subdivision construction vehicles will be using Whitefish Village Drive. There will be considerable noise, dust, road deterioration, inconvenience, and safety concerns.
3. Any future developments along Prairie View Drive will also use Whitefish Village Drive for access and construction. It would be impossible to assess those owners for road maintenance costs within the Village.

According to the Baker 80 proposal, the developer will be required to pave Prairie View Road towards KM Ranch Road, if access to Whitefish Village Drive is not granted.

We respectfully request the Flathead County Planning Board for access to the Baker 80 Subdivision to be via KM Ranch and Prairie View Road – and do not permit connection of Prairie View Road/Baker Heights Drive to Whitefish Village Drive.

Thank you,
Tom & Cindy Downing
92 Hills Lookout Court
Whitefish Hills Village Property Owners